

NICOLAS CABASILAS’
“ANTI-ZEALOT” DISCOURSE:
A REINTERPRETATION

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I

THE Zealot movement stands out as one of the most interesting and puzzling episodes in the history of fourteenth-century Byzantium.¹ It was the most violent symptom of the disintegration of the Byzantine body social; the civil war and the religious controversy of the forties appear as two other facets of the same process. For several years (1342–1349) Thessalonica, the second city of the Empire, experienced the rule or at least the condominium of people who, so we are told, called themselves Zealots. This was a heterogeneous group, and contemporary sources distinguish it from the *demos*. The movement drew its strength and its mass following from the impoverished lower classes, but it also comprised leaders of middle- and upper-class extraction. The Zealots seized power in three violent upheavals, the last of which (summer 1345) assumed proportions beyond the control of the more moderate leaders, and was accompanied by the slaughter of over one hundred “nobles” and the expropriation of possessions belonging to the victims and to others of their class. In the civil war of the forties, the Zealots sided with the loyalist government in Constantinople. As a rule they recognized its local representatives; invariably they opposed the partisans of the usurper Cantacuzenus, a mouthpiece of the landed aristocracy. In the religious controversy they remained faithful to what was, until 1347, the official Orthodox Church, and rejected the Hesychast doctrine and hierarchy. As long as the Zealot regime was in power, the Hesychast theologian Gregory Palamas, ordained Bishop of Thessalonica, found the city gates closed to him. After Cantacuzenus’ victory of early 1347, followed by a truce and the victor’s nominal joint rule with the legitimate Emperor John V, the Zealots did, on occasion, defy orders coming from Constantinople, and continued to do so until their fall late in 1349. In short, the Zealot seems to have been an organized, if shortlived, revolutionary regime.

The foregoing narrative is based on data about the meaning of which there is no disagreement among scholars. As far as it goes, it will probably

¹ For a list of studies on the Zealots, cf. my article on “The Zealot Revolution and the Supposed Genoese Colony in Thessalonica,” *Προσφορά εις Στίλπωνα Π. Κυριακίδη* (Thessalonica, 1953), p. 603, n. 1, to which may be added P. Jakovenko’s review of O. Tafrali’s *Thessalonique au quatorzième siècle*, in *Vizantijskij Vremennik*, XXI, part 2 (1914), pp. 180–191; A. K. Berger “Demokratičeskaja revoljucija v Vizantii v XIV v.,” *Arxiv K. Marksa i F. Engel’sa*, V (1930), pp. 447–456; L. Bréhier, *Les institutions de l’empire byzantin* (1949), pp. 216 f.; M. Paulová, “L’empire byzantin et les Tchèques . . .,” *Byzantinoslavica*, XIV (1953), p. 178.

meet with their assent. However, it did not make use of one important source — the one to which a large part of this paper will be devoted — nor did it interpret the Zealots' aims or evaluate the impact that their rule exerted upon Byzantium. On these points divergencies among scholars are significantly wide. To a Frenchman living in the time of Louis Philippe, with vivid memories of the insurrections of Lyons and Paris, the Zealots were horrible demagogues.² In 1879, a learned Russian monk expressed his horror of them. They reminded him of the Zealots of Jerusalem whose bloody deeds are described by Josephus Flavius.³ These two authors derived their information exclusively from the works of two fourteenth-century historians, Nicephorus Gregoras and John Cantacuzenus.

Some years later a famous Greek scholar, C. Sathas, using a new source as a basis for his views, maintained that the Zealots, unjustly branded as rapacious rabble, were in fact good democratic patriots, bent upon strengthening the defenses of their native city.⁴ This view was developed on the eve of the first World War by O. Tafrali. To him the Zealots appeared as well-intentioned people, steeped, like their eighteenth-century French counterparts, in the maxims of Roman statesmanship, and acting in tune with the dictum that proclaimed the weal of the Republic as the Supreme Law. Far from being bloodthirsty monsters, as they were represented in hostile sources, the Zealots, according to Tafrali, possessed an articulate social program, worthy of an early twentieth-century liberal party.⁵

Tafrali's reconstruction of the Zealot program, or at least the postulate of its existence, was generally accepted, but the appraisals of the movement continued to vary. Charles Diehl, whose patrician taste led him to condemn it as a whole, reserved a broadminded and detached sympathy for some of its aspects: Were not the Zealots sometimes guided by a sincere desire to serve the public interest and by a patriotic solicitude for the defense of their city? ⁶ This opinion dates from 1928. In 1936, the year of the Popular Front, another author caustically likened the Zealots to modern socialists for their propensity to "take money wherever it can be found."⁷

More recently, an American scholar saw in the Zealots a minority movement of political reformers who believed in the necessity of the social and

² V. Parisot, *Cantacuzène, homme d'état et historien* . . . (Paris, 1845), p. 191.

³ Arximandrit Antonin, *Poezdka v Rumeliju* (St. Petersburg, 1879), p. 147.

⁴ C. N. Sathas, *Μνημεία ἑλληνικῆς ιστορίας, Documents inédits relatifs à l'histoire de la Grèce* IV (1882), pp. XV–XVI; XXVI–XXIX.

⁵ O. Tafrali, *Thessalonique au quatorzième siècle* (1913), esp. pp. 225–272; cf. p. 291.

⁶ Ch. Diehl, "Les journées révolutionnaires byzantines," *La Revue de Paris* (Nov. 1, 1928), p. 172.

⁷ G. I. Bratianu, *Privilèges et franchises municipales dans l'empire byzantin* (1936), p. 118.

economic reorganization of the Empire, but he included their activity among the causes of the fall of Byzantium.⁸ We are not surprised to find a Soviet historian holding a different opinion, and referring to the Zealot episode as the only ray of hope for the Empire; had the movement succeeded, it could have saved Byzantium.⁹ Curiously enough, another Soviet writer seems to come closer to the American point of view, but only insofar as, in his estimation, the "popular movements" of the fourteenth century dealt the Byzantine feudal class a blow from which it never was able to recover.¹⁰

It would be too hasty a solution to try to explain these fluctuating opinions solely by the influence which the tyrannical *Zeitgeist* exerts upon historians. To be sure, we no longer underrate the difficulty of describing past events when they are felt as parallel to contemporary situations that strongly affect the writer's own existence. Yet a greater consensus has been achieved among historians with reference to movements more important than that of the Zealots. It is therefore advisable, before despairing over the variety of views on the nature of the Zealot movement, to investigate the principal sources from which these individual conclusions have been derived.

Except for the fairly continuous narratives which two contemporary historians, Cantacuzenus and Gregoras, devoted to the Zealots, most other references to them are scattered among hagiographical, rhetorical, and epistolary writings of the time. Some are still unpublished.¹¹ The majority are difficult to date with sufficient exactitude — a serious disadvantage for a scholar intending to describe a few years out of a city's history. This may be the reason why all these sources have not yet been systematically exploited. And yet it is from this group of documents that important insights into the Zealot movement may be gained. To give but two examples: First,

⁸ P. Charanis, "Internal Strife in Byzantium during the Fourteenth Century," *Byzantion*, XV (1940–41), pp. 225–228; 230; cf., by the same author, "The Monastic Properties and the State in the Byzantine Empire," *Dumbarton Oaks Papers*, 4 (1948), pp. 112–115.

⁹ M. V. Levčenko in *Vizantijskij Vremennik*, II (XXVII) (1949), pp. 334 f.

¹⁰ A. P. Každan, *Agrarnye otnošenija v Vizantii XIII–XV vv.* (Moscow, 1952), p. 197. To A. K. Berger, *Arxiv K. Marksa i F. Engel'sa*, V (1930), pp. 452 f., it appeared that "the Zealots surrounded by external and internal enemies firmly took the path of dictatorship and terror."

¹¹ Demetrius Cydonēs' letters to Cantacuzenus, the majority of them anterior to February 1347, contain numerous references to the Zealots, cf. esp. letter *καὶ νόμος ἀπαυτεῖ θεῖος*, perhaps letter *Θρᾷκας δὲ ἄρα*, letter *τί τοῦτο χρὴ νομίσαι; εὔρηται*. For manuscripts containing these letters cf. R. J. Loenertz, *Les recueils de lettres de Démétrius Cydonès* (= *Studi e Testi* CXXXI [1947]), table of incipits, pp. 122 ff. [Cydonēs' letters have now been published by Loenertz, *Démétrius Cydonès, Correspondance* (= *Studi e Testi* CLXXXVI [1956]). I was unable to use the letters or the *First Speech* in this edition. Cf. below, n. 144.]

these texts report that disturbances of a clearly Zealotic type occurred considerably before the forties of the fourteenth century, probably in connection with the civil war of the twenties.¹² Second, changes brought about by the civil war of the forties in Thessalonica and elsewhere amounted to much more than excesses of an aroused and plundering mob – a new class of people had moved into the key positions of the administration and had acquired wealth.¹³ This type of evidence will have to be more attentively scrutinized.

Unfortunately, in none of these sources is the voice of the Zealots heard. The texts in which references to Zealots occur were written either by land-owning aristocrats, or by their learned supporters, or by free lance intellectuals depending for their livelihood on the rich man's patronage, or, finally, by Palamite monks and prelates. Still, it might have been hoped that the Zealots' constructive aims could be discerned through the film of vilification. This hope has proved vain – the only aims which their adversaries attributed to them were those of pillaging their neighbor's property, rabid anti-Cantacuzenianism and, sometimes, impiety.¹⁴

One important source, however, seemed amply to offset these drawbacks. To be sure, it also comes from the biased pen of an adversary, but at least, so it has been claimed, it is entirely concerned with the Zealots. What is more, in order better to refute them, it quotes their arguments

¹² Thomas Magistros, letter τῷ μεγάλῳ λογοθέτῃ, Migne, PG, CXLV, 408CD; 409ABC. The same author's speech Θεσσαλονικεῦσι περὶ ὁμονοίας (*Parisinus Gr.* 2629, fols. 127^r–130^v; *Vaticanus Gr.* 714, fols. 219^v–242^v; *Palatinus Gr.* 374, fols. 98^v–106^v) is concerned with bloody popular unrest, social in nature. Cf. *Parisinus Gr.* 2629, fol. 128^r: δῆμος στασιάζων, cf. fol. 128^v: οὐδὲν γὰρ ἕτερον στάσις ἀλλ' ἢ τῶν ἐχόντων αὐτοχειρία; fol. 128^r: τραύματα δὲ καὶ σφαγὰς καὶ ῥέον αἷμα καὶ τοὺς ἀπογιγνομένους ὄσαι ὄραι, σιγῶ. I believe that Magistros' speech refers to the same events as those mentioned in his letter to Metochites.

¹³ It will suffice here to quote one passage (which could have been written at many a juncture in history), for it stands for many others. It comes from Demetrius Cydones' *Second Speech* to Cantacuzenus (date: 1347), ed. G. Cammelli, *Byzantinisch-Neugriechische Jahrbücher*, IV (1923), pp. 79, 39–80, 5: "Thus it was as if the earth suddenly had cleft asunder; no one of those who formerly took part in public affairs was anywhere to be seen. Everyone mistrusted his eyes, seeing the new statesmen pop up like the sown-men [Σπαροί] in the myth; they were all wealthy, overbearing, shameless, insolent, and bragged about their kinship with Codrus [i.e. they pretended to be of aristocratic extraction. Cf. the proverb εὐγενέστερος Κόδρου and its explanation: ἐπὶ τῶν πάντῃ εὐγενῶν, Leutsch-Schneidewin, *Paroemiographi Graeci*, I (1839), p. 84,9 and apparatus; II (1851), p. 168,12]. With their unexpected wealth came their claims of generalships . . . and it was difficult to meet [read ἐντυχεῖν instead of Cammelli's εὐτυχεῖν] any of them who would not boast at least a dozen dignities. Consequently, it was impossible to hire a servant, since all had disappeared to fill positions of authority." Cf. furthermore e.g. Gregoras, *Hist.*, p. 790,9–11 Bonn; Cantacuzenus, *Hist.*, II, p. 235,4 Bonn.

¹⁴ Cf. the life of St. Sabas by the later Patriarch Philotheus, ed. A. Papadopoulos-Kerameus, *Ἀνάλεκτα ἱεροσολυμιτικῆς σταχυολογίας*, V (1898), p. 194,18 ff.: Θεοῦ . . . καὶ τῆς αὐτοῦ ἐκκλησίας προφανῶς . . . ἀποστάτας.

verbatim. Therefore, so the accepted argument goes on, we have at our disposal a work similar to Origen's diatribe against Celsus, a text from which the adversary's views may be reconstructed. In short, we can read the program of the Zealots. This document which has been said to fill an important gap in our information is the *Discourse Concerning Illegal Acts of Officials Daringly Committed Against Things Sacred*, by Nicolas Cabasilas.

Ever since Sathas¹⁵ published excerpts from the *Discourse*, and Tafrali¹⁶ popularized and vastly expanded his conclusions, adding new quotations from Cabasilas' text, the treatise has been firmly established as a principal source on the definite social program of the Zealots. Unfortunately, for all the importance attributed to the *Discourse*, its full text has never been published.

The author of the *Discourse*, a member of an old and well-established Thessalonican family, was a famous mystic revered by Orthodox and Catholic theologians alike. The Fathers of the Council of Trent and, later, Bossuet were among his admirers. In spite of the fame which he has enjoyed for centuries, Cabasilas has received cavalier treatment from his biographers,¹⁷ who had him die about twenty years before the date of some letters addressed to him, identified him with other homonymous contemporaries (thus imparting to him a wavering attitude towards the political and religious struggles of the mid-fourteenth century), and finally promoted him to the Metropolitan See of Thessalonica. These misunderstandings have recently been rectified.¹⁸

Still, many important details of Cabasilas' life remain unknown or obscure. We do not know the date of his birth. Usually it is put at about the year 1300, but in the present writer's opinion, it should be moved some twenty years forward, and Cabasilas should be considered a contemporary

¹⁵ Cf. above, n. 4.

¹⁶ Cf. above, n. 5.

¹⁷ Much (but not all) of the literature on Cabasilas has been assembled in P. Enepekides, "Der Briefwechsel des Mystikers Nikolaos Kabasilas . . ." *Byzantinische Zeitschrift*, XLVI (1953), pp. 18 f. For later articles, cf. M. Lot-Borodine, "L'eucharistie chez Nicolas Cabasilas," *Dieu vivant*, XXIV (1953), pp. 125-134; M. Biedermann, "Die Lehre von der Eucharistie bei Nikolaos Kabasilas," *Ostkirchliche Studien*, III (1954), pp. 29-41; I. Ševčenko, "Nicolaus Cabasilas' Correspondence and the Treatment of Late Byzantine Literary Texts," *Byzantinische Zeitschrift*, XLVII (1954), pp. 49-59; B. Laourdas, "Τὰ δύο προσφωνήματα εἰς ἅγιον Δημήτριον τοῦ Νικολάου Καβάσιλα," *Ἑλληνικά*, XIII (1954), pp. 337 f., correcting a slip of mine; R. J. Loenertz, "Chronologie de Nicolas Cabasilas 1345-1354," *Orientalia Christiana Periodica*, XXI (1955), pp. 205-231.

¹⁸ Cf. e.g. S. Salaville, *Studia Orientalia liturgico-theologica* (1940), pp. 62-85; L. Thomas in *Revue des études byzantines*, VI (1948), pp. 117-121; R. J. Loenertz, "Pour la chronologie des oeuvres de Joseph Bryennios," *Revue des études byzantines*, VII (1949-50), pp. 12-32.

of Demetrius Cydones.¹⁹ Among the minor writings sometimes attributed to him, one is spurious,²⁰ another, hitherto unknown, awaits the proof of authenticity.²¹ It is improbable that Nicolas Cabasilas ever occupied the metropolitan throne of Thessalonica, although the tradition to this effect is an early one.²² It has even been denied or doubted that he was ever a monk or an ecclesiastic.²³ Here we are on less firm ground,²⁴ for a Eulogy

¹⁹ For justification of this change in date, cf. *Byzantinische Zeitschrift*, XLVII (1954), pp. 54–56. I notice with pleasure that R. J. Loenertz, *Orientalia Christiana Periodica*, XXI (1955), p. 226, shares my opinion. His date is 1322–23.

²⁰ Monody on the Emperor's death, *Coislavianus* 192, fols. 100^v–103^v. It is by Theodorus Cabasilas and dates from 1332. For discussion, cf. *Byzantinische Zeitschrift*, XLVII (1954), p. 56, n. 5.

²¹ This is the addition *inc.* ζητητέον διατὶ ὁπόση ἐστὶν ἡ διὰ τὸν ἑκκεντρον προσθαφαίρεσις, *expl.* διὰ τὰς εἰρημέναις αἰτίας, standing in some mss. at the end of Th. Metochites' astronomical *Stoicheiosis*, e.g. *Vaticanus Gr.* 2176 (XIVc.), fols. 293^r–294^r (without indication of authorship). For attribution to Nicolas Cabasilas, cf. the following note.

²² In *Ambrosianus Gr.* 1005, fol. 235^v, the addition discussed in the preceding note is accompanied by the following marginal remark: ἡ παρούσα προσθήκη μεταγενεστέρως ἐγράφη, ποίημα δ' ἐστὶ τοῦ μακαριωτάτου μητροπολίτου θεσσαλονίκης ἐκείνου κ(υροῦ) νικολάου καβάσιλα, σοφία διενεγκόντος τοὺς κατ' αὐτὸν ἅπαντας, οὐ τῇ ἐλληνικῇ λεγομένη μόνον, ἀλλὰ τῇ πολλῇ κρείττονι, τῇ διὰ τῶν εὐαγγελικῶν ἐντολῶν τοῦ πνεύματος. The *Ambrosianus* dates from the sixteenth century, but it faithfully copies (ownership notes, marginal remarks, and all) a ms. which belonged to the monastery of Chora, Metochites' foundation (cf. fol. 2^v and my remarks in *Scriptorium*, V [1951], p. 284). In the fifteenth century this prototype of the *Ambrosianus* was in the hands of the bibliophile John Chortasmenus, who made at least one long entry in it. As the passage in Sphrantzes' *Chronicon Minus* (Migne, PG, CLVI, cols. 1036D–1037A) has to be eliminated as self-contradictory, the remark of *Ambrosianus* 1005 is the earliest known source connecting Nicolas Cabasilas with the metropolitan throne of his native city. The note of the *Ambrosianus* seems to have been written by a different hand than that of the main scribe who copied the text and the marginalia of his prototype. Does it nevertheless go back to the fifteenth century? As a whole, it does. The note on Cabasilas appears in *Vat. Gr.* 1365, the fourteenth-century original of the *Ambrosianus*, on fol. 384^v. It is by a fifteenth-century hand and almost illegible today. It was difficult to read even in the sixteenth century, for at that time someone began to transcribe it on the same fol. 384^v, in the space below, but gave up the attempt. Nevertheless, it is possible to guess the first name of Cabasilas as transmitted in the note of the *Vat. Gr.* 1365. It seems to be νεῖλου, and the scribe of the *Ambrosianus* apparently read νεῖλου τοῦ for νικολάου. If so, the note of the *Ambrosianus* is of no value for the discussion of Nicolas Cabasilas' career. There remains the question whether the attribution to Nilus Cabasilas of the addition to Theodore Metochites' astronomical work is correct. We know more of Nicolas Cabasilas' studies in astronomy; we also know that he did write on the subject. — The last word of the note in *Vat. Gr.* 1365 is σ(ωτηρ)ρ(ο)ς.

²³ E.g. S. Salaville, ed., Nicolas Cabasilas, *Explication de la Divine Liturgie* (= Sources chrétiennes, 4 [1943]), p. 10.

²⁴ The words ὄντα ἐτι ἰδιώτην of Cantacuzenus, *Hist.*, III, p. 275,5 f. Bonn, are usually considered the crucial passage indicating that Cabasilas was not a cleric at least as late as 1353. This is true. But it does not follow that Cabasilas was or remained "lay ascetic." First, according to contemporary usage, ἰδιώτης does not necessarily mean a layman; it means only someone who has no ordination. In Cabasilas' usage, ἰδιῶται are opposed to priests, not to monks: *Discourse*, 8,8–9 πολλοῖς μὲν τῶν ἰδιωτῶν, πολλοῖς δὲ τῶν ἱερέων, cf. 53,24; 56,11–12. The term included monks, who had no ordination, as in Symeon of Thessalonica, *De sacr. ordin.*, Migne, PG, CLV, col. 468A: ὁμοίως δὲ καὶ τῆς πνευματικῆς πατρότητος λειτούργημα οὐ χρὴ δωρεῖσθαι μοναχοῖς ἰδιώταις, χειροτονίαν ὅλως μὴ ἔχουσιν. Second, the very ἐτι in Cantacuzenus'

by Cabasilas contains some indications that its author may have joined the "holy community."²⁵ It is also impossible to ascribe to him any aulic title²⁶ or to determine his profession, although scattered remarks in letters addressed to him, and the "anti-Zealot" treatise itself, point to his interests in law.²⁷

passage implies that some time — perhaps shortly — after 1353, Cabasilas ceased to be *ιδιώτης*.

²⁵ Cabasilas' Eulogy of Saints Basil, Gregory of Nazianzus, and John Chrysostom, ed. K. Dyobouniotes, *Ἐπετηρίς Ἑτ. Βυζ. Σπουδῶν*, XIV (1938), pp. 157–162 contains two curious passages. The opening sentence (p. 157) reads: Οἱμαί γε τῶν ἐννομωτάτων καὶ δικαιοτάτων εἶναι, τὴν γινομένην τοῖς πατράσιν πᾶσαν νέμειν τιμὴν· εἴπερ δέ τινες τῶν ἀπάντων, πατέρας τῆς καθ' ἡμᾶς ἱερᾶς ταύτης φατρίας καὶ τοῦ χοροῦ τῶν εὐσεβούντων κορυφαίους — ὡς εἰπεῖν — καὶ προστάτας, καὶ ὑμᾶς, ὁ βέλτιστοι πάντων, ἅπαντες ἴσμεν (punctuation mine). This means in part "we all know that if anyone is, you [i.e. the three Saints], too, are fathers of this holy community of ours, and leaders of {other} faithful." When Cabasilas came to speak of the struggle the three Fathers led against heresy (pp. 160–161), he stressed that they pulverized the heretics, strengthened the waverers, and completely persuaded the orthodox and "those who were of this holy community of ours": τοῖς δὲ γ' εὐσεβέσι καὶ ὅσοι τῆς καθ' ἡμᾶς ἱερᾶς ταύτης φατρίας πειθῶ τὴν τύραννον ἐφιστᾶσι. I suggest (a) that in both passages the author made a distinction between the Orthodox faithful and the members of the *ἱερὰ φατρία*; (b) that *καθ' ἡμᾶς* means "ours," not "of our time," since this *φατρία* existed in the fourth century; consequently Cabasilas considered himself a member of this *φατρία*; (c) that this *ἱερὰ φατρία* is the monastic order. Unfortunately I do not know the date of the Eulogy of the Three Fathers.

²⁶ F. Dölger, *Aus den Schatzkammern des Heiligen Berges* (1948), p. 64 (*ad* nr. 19,11), suggested, without positive arguments, that a *μέγας παπίας Καβασιλᾶς* appearing in a Xeropotamu document of 1351 should be identified with Nicolas. Could not the *Καβασιλᾶς* of this document be, rather, identical with Demetrius Ducas Cabasilas of the document *Zographu* nr.44 of 1369 (ed. in *Vizantijskij Vremennik*, XIII [1907], app., 101–104)? This Demetrius Ducas Cabasilas may have been *μέγας παπίας*. I am inclined to see in the words *ὁ μέγας παπίας* in the *Zographu* document (p. 104) not a separate signature, but Demetrius Cabasilas' title, following his name.

²⁷ In the "anti-Zealot" *Discourse* as well as in his other writings Cabasilas showed a legalistic bent and a familiarity with texts derived from both Canon and Civil law. He was quite a legal expert; such, at least, is the impression conveyed by some of the compliments lavished upon him by two of his correspondents, Cydones and the Emperor Manuel II. In 1363, Cydones praised his friend's "strength coming from the laws," and hinted at legal advice Cabasilas had dispensed to others (cf. J. F. Boissonade, *Anecdota Nova* [1844], p. 313: *ῥητορικὴν ἀντίστησον καὶ τὴν ἀπὸ τῶν νόμων ἰσχύν . . .* and *αἰσχροὺν γὰρ τὸν ἄλλοις βοηθεῖν ἐν τοῖς τοιούτοις δυνάμενον, αὐτὸν τῆς ἐτέρων γλώττης ἡρτῆσθαι* [i.e. hire lawyers]). Some thirty years later, Manuel II saw in Cabasilas an "adornment of laws" (cf. E. Legrand, *Lettres de l'empereur Manuel II Paléologue . . .* [1893], p. 8,10 [= letter nr.6]: *ἀρετῆς μὲν γὰρ ἰδέαν πᾶσαν ἀσκεῖς, νόμους δὲ τῇ μετουσίᾳ μᾶλλον κεκόσμηκας ἢ κεκόσμησαι παρ' αὐτῶν*. But Cabasilas seems to have stopped short of accepting a high office in the judiciary [cf. Manuel's letter nr. 15, dating from 1391, ed. Legrand, *ibidem*, p. 21,42 ff.]: *τὸν τοῦ κρίναι μὲν θρόνον φεύγειν αἰετὸν σκοπὸν ἔθου, λαβεῖν δὲ παρὸν οὐκ ἡνέσχον ὁ πολλοῖς εὐκταῖον σχῆμα καὶ ξηλωτὸν ἦν*). The last passage is no *proof* that Cabasilas was a layman in 1391, for we do not know what kind of "judge's chair" Manuel had in mind. In the "anti-Zealot" *Discourse*, Cabasilas behaved like the attorney for the plaintiffs. Cf. the forensic *ἀνάγνωθι τὸν νόμον* in 50,9. Once, he even borrowed a phrase from Socrates' speech before the Athenian jury (33,12 f.). It is hardly necessary, however, to prove that the forensic form of Cabasilas' treatise was but a literary convention, and that there never was a civil case against the officials argued by the mystic (this against Tafrali, *Thessalonique au quatorzième siècle*, p. 261). However, in keeping

The purpose of the present article is to go beyond stating differences in views proffered by modern scholarship, and pointing to gaps in our knowledge. Since Cabasilas' *Discourse* has been considered the principal source for the Zealot policy and program, an attempt to achieve more agreement on the Zealot question and more insight into Nicolas Cabasilas' literary activity should start with an investigation of the text itself. The investigation will be preceded by an edition and a detailed summary²⁸ of the *Discourse*.

II

The Δόγος περὶ τῶν παρανόμως τοῖς ἄρχουσιν ἐπὶ τοῖς ἱεροῖς τολμωμένων has been preserved in its entirety in at least²⁹ three manuscripts, *Parisinus Graecus* 1213 (15th century), fols. 245^r–269^v [= P],³⁰ *Coislinianus* 315 (17th century), fols. 451^r–494^v [= C],³¹ and in *Vindobonensis Theol. Graecus* 262 (15th century), fols. 344^r–369^v [= W].³² Moreover, a long fragment of the *Discourse*, starting with 4,11 καὶ ὁ παρά and ending with 40,17 ἐτέρων; αὐτό, is in *Parisinus Suppl. Graecus* 681 (15th century, by a hand so similar to that of P as to be perhaps identical with it), fols. 95^r–110^v [= S].^{32a}

with the literary form chosen by Cabasilas, in my paraphrase I shall often refer to his adversaries as "defendants."

²⁸ This is in agreement with the opinion of F. Dölger, "Aufgaben der byzantinischen Philologie von heute," *Das Altertum*, I (1955), p. 49, who advocates a "kürzende Paraphrase" for difficult rhetorical texts. The summary was checked by Dr. Cyril Mango, whom I want to thank for his many improvements. For errors I alone am responsible.

²⁹ The *Discourse* was (or perhaps still is) contained in a miscellaneous manuscript copied by Maximus Margunius (late sixteenth century). All that is known of it at present is a copy of its table of contents. Cf. P. K. Enepekides, "Das Pariser Inhaltsverzeichnis eines angeblich verschollenen byzantinischen Sammelkodex," *Jahrbuch der österreichischen byzantinischen Gesellschaft*, IV (1955), pp. 157–164, esp. p. 160. In 1930, mention was made of a bombycine fourteenth-century manuscript, found in 1912 on the island of Calymnus. In addition to Cabasilas' known works, the manuscript was said to contain some hitherto unknown texts by him: S. Zervos, "Νικολάου Καβάσιλα εἰς τέως ἄγνωστος κώδιξ τοῦ ΙΔ' αἰῶνος εὑρεθεὶς ἐν Καλύμνῳ τῆς Δωδεκανήσου," *Actes du III^e Congrès international des études byzantines* (Athens, 1932), p. 130. My attempts to obtain access to this manuscript were unsuccessful.

³⁰ Best description in S. Lampros, "Ἀναγραφὴ ἔργων Νικολάου Καβάσιλα καὶ Δημητρίου Κυδωνῆ ἐν τῷ Παρισιακῷ κώδικι," *Νέος Ἑλληνομνήμων*, II (1905), pp. 299–323; cf. also the important remarks by R. J. Loenertz, "Les recueils de lettres de Démétrius Cydonès" (*Studi e Testi*, CXXXI [1947], pp. 24, n. 1; 28, 49, 53, and in *Orientalia Christiana Periodica* XXI (1955), p. 231. — The scribe of P either collated his finished text with another manuscript, or copied a model which was collated. Cf. the apparatus to 8,8; 10,15; 11,5; 20,2–3; 39,13; 41,22.

³¹ Cf. R. Devreesse, *Le Fonds Coislin* . . . (1945), p. 303.

³² Cf. D. de Nessel, *Catalogus . . . codicum . . . graecorum . . . bibliothecae . . . Vindobonensis* I (1690), pp. 364–369, esp. p. 367.

^{32a} The order of folios in S is disturbed. It should be: 96^r–101^v; 95^r–95^v; 103^r–110^v; folio 102^r–102^v is empty. S was found (or its elements were found and put together) by Minoïdes Mynas, cf. H. Omont, "Minoïde Mynas et ses missions en Orient (1840–1855)," *Mémoires*

Of the four manuscripts, only PS or P alone should serve as the basis for a critical edition of the *Discourse*. The present writer agrees with those who believe that *Coislinianus* 315 is a direct copy of P, and their view has been confirmed by his own collation.³³ A collation of the *Discourse* as it stands in W with the text presented by the *Parisinus* led to a rejection of the *Vindobonensis*. This manuscript has all the errors of P in addition to many of its own. Moreover, some errors of W can best be explained on the assumption that its scribe had P itself before his eyes. Thus we read 10,15 ^{ἐπέ}προσέταξαν P: πρόεπεσέταξαν W; 17,9 ἐτόλμησ *expunxit* P (before ἐφρόντισε): *om* W; 23,18 λήθην λήθην P (the second λήθην surrounded by dots, probably by a later reader): λήθην λήθην W; 41,20 πρὸς τὴν — χρώμενος P (where these words occupy one line): *om* W; 47,20–21 κακὸν ἀντίρροπον . . . τοῖς P (where κακὸν begins a line and τοῖς ends it): *om* W. In some cases the errors or manner of writing of W are explicable as misunderstandings or imitations of the letters in P. So 27,11 καὶ ἐπαινέσει P (where the initial ἐ may be misunderstood for the continuation of the abbreviation for καὶ): καὶ παινέσει W; 46,13 σφοδρ || ἀδικήσουσιν P (where the crowded ρ was necessary at the end of a line); σφοδρἀδικήσουσιν W in the middle of a line.³⁴ Consequently, the apparatus of the present edition will consist of rejected

de l'Institut National de France, XL (1916), esp. p. 413. — I wish to thank Mr. N. Svoronos (Paris) for having identified the fragment of S as a part of Cabasilas' *Discourse*, and for having drawn my attention to this independent witness. H. Omont, *Inventaire sommaire . . . du Supplément Grec* (1883), p. 77, describes fol. 95^r ff. only as *de vita monastica fragmentum*.

³³ I follow R. Devreesse, *Le Fonds Coislin* . . . , p. 303 as against R. Guiland, *Eis Mnḗmon Σπ. Λάμπρον* (1935), p. 271, n. 1. Cf. R. J. Loenertz, *Studi e Testi*, CXXXI (1947), p. 88 and P. Enepekides, *Byzantinische Zeitschrift*, XLVI (1953), p. 21 and n. 3. When all of the errors of C (which has all those of P and many of its own) are discarded, the only discrepant readings in the *Discourse* which might be taken into consideration are *Titulus*: τετολμημένων, 16,46 οὐτ' οἴκοθεν and 46,25–26 παρασκευάζουσι. All of them should be considered innovations of the copyist Honorat.

³⁴ P. Enepekides, *Byzantinische Zeitschrift*, XLVI (1953), pp. 21 f., does not consider W as a copy of P. But his apparatus is unreliable. For my observations, cf. *Byzantinische Zeitschrift*, XLVII (1954), p. 53, n. 2. Nor is the edition and apparatus of B. Laourdas, "Νικολάου Καβάσιλα προσφώνημα καὶ ἐπιγράμματα εἰς τὸν ἅγιον Δημήτριον," *Ἑπετηρὶς Ἑτ. Βυζ. Σπουδῶν*, XXII (1952), pp. 97–109 any tidier. On the whole, the editor rejects the readings of *Vindobonensis*, accepting them in only three cases: (1) p. 101,84 f., we read πρὸς τὸ ποιεῖν καὶ διδάσκειν and in the apparatus, πρὸς τὸ B [=W] πρὸς τῷ A [=P]; the reading τῷ is correct: "Teaching in addition to deeds," cf. p. 102,109: καὶ ἐποίει καὶ ἔλεγε. (2) The apparatus *ad* p. 101,90 ψυχὴν A [=P] is wrong, since P has the correct ψυχῆς. (3) p. 101,95 we read ἀξίους ὡς μεταχειρίζουσι τὰ προσήκοντα, and in the apparatus μεταχειρίζωσι A [=P], which is in fact what P has. Still, the reading of P is to be preferred to the presumable — ουσι of W, as ἄξιους ὡς with subj. seems to be an elegant variation for ἄξιους ἵνα with subj. used e.g. in the New Testament. (Other errors in Laourdas: p. 101,84 read κακέεινοι [so P]; p. 101,89 f. read τὸ γοῦν [so P]). Thus whenever doubts as to the complete dependence of W on P arise, they turn out to be based on errors or on cases admitting of no conclusion.

readings of PS.³⁵ W will be consulted only for the four mechanically damaged portions of P. The damage is recent, since Tafrali seems not to have been aware of it.

In only a few cases was the decision between relegating a reading into the apparatus or maintaining it a difficult one. In none of these cases was there any doubt as to the meaning of a passage. Thus 8,4 ὠφελήσοντας may have been an error for -τες, rather than a gerundial use, influenced by the living language. But 20,10 σημαίνοντα had to be retained, rather than corrected into -νον or -νόντων. Cydones in the fourteenth century and Scholarios in the fifteenth, both men no less erudite than Cabasilas, made the same "slip," in line with the spoken Greek of their time, when they treated διψῶντα, συνανίσχοντα and λαμβάνοντα as *acc.* or *nom. sing. neutr.*³⁶ In 31,18 τοσοῦτο — ὅσον, 47,23–24 τοσοῦτο — ὅσο, 56,17–18 τοσοῦτον — ὅσο, seem fairly improbable in a learned text. After some hesitation, they were retained, because the scribe's "vulgarizing" error of ὅσον for ὅσῳ and τοσοῦτον for τοσοῦτῳ is rather unlikely. Besides, Cabasilas in another work, and Critobulus, the fifteenth century imitator of Thucydides, may have written τοσοῦτο μείζων . . . ὅσο . . . μάλλον δὲ ὅσο and τοσοῦτο . . . ὅσο respectively.³⁷ 56,18 μείζω must stand, as this adverbial use is well attested in post-classical Greek.³⁸ Finally, PS were followed in the spelling of the neuter participle ἐστώς (21,16), for here Cabasilas followed the norm recommended by most grammarians whom he may be presumed to have known.³⁹

The division into chapters, introduced in order to facilitate quotations, does not follow that of the manuscripts. Their use of majuscules was too erratic to serve as a reliable guide in subdividing the text. Marginal notes

³⁵ R. J. Loenertz, *Orientalia Christiana Periodica*, XXI (1955), pp. 226, 229 stressed the high value of P, which, for instance, is the only one to have preserved two correct readings in letter 4 of Cabasilas.

³⁶ Cydones, ed. Cammelli in *Byzantinisch-Neugriechische Jahrbücher*, IV (1923), p. 80,22 f: ἐπισχὼν τοῖς θηρίοις διψῶντα τὸ στόμα. Scholarios, *Oeuvres*, III, p. 143,27 ff: τὸ δὲ πνεῦμα . . . ἐκ Πατρὸς . . . συνανίσχοντα καὶ τὴν αὐτὴν οὐσίαν ἐκείθεν λαμβάνοντα. On these forms, cf. A. Jannaris, *An Historical Greek Grammar* (1897), §223, p. 207; E. Schwytzer, *Griechische Grammatik* . . . II (1950), p. 411.

³⁷ Cabasilas in the Προσφώνημα to St. Demetrius, *Parisinus Gr.* 1213, fol. 107^v has τοσοῦτο μείζων . . . ὅσο . . . μάλλον δὲ ὅσο (the apparatus of Laourdas' edition in *Ἐπερ. Ἐτ. Βυζ. Σπουδῶν*, XXII [1952], *ad* p. 104, 172–174 is silent in all three crucial instances). Critobulus' manuscript (XVI c.) has τοσοῦτο μάλλον ὅσο, cf. C. Müller, *Fragmenta Historicorum Graecorum* V (1883), p. 54, apparatus *ad* §2. ὅσο exists in modern Greek.

³⁸ Cf. W. Crönert, "Die adverbialen Comparativformen auf -ω," *Philologus*, LXI (1902), pp. 161–192.

³⁹ For these grammarians and quotations from them, cf. S. G. Oliphant, "Ἐστώς or Ἐστός?" *American Journal of Philology*, XXVIII (1907), p. 420, n. 1.

of PS, announcing the place and name of various arguments and counter-arguments in the treatise, have been omitted from the edition.⁴⁰

⁴⁰ In punctuating I did not make a point of strictly adhering to "Meyer's Law," for Cabasilas himself did not always observe it. My accentuation (especially that of the proclitics and enclitics) is conventional, as there are no generally accepted rules to guide editors of late Byzantine texts in the matter; more interesting "deviations" of PS are mentioned in the apparatus. PS (and fourteenth- to fifteenth-century manuscripts in general) consistently write *τουλοιποῦ*, *διατοῦτο*, *ἐξαρχῆς*, *τηναρχῆν*. Editors should agree to admit these spellings into the text.

Fol. 245^r

Λόγος περὶ τῶν παρανόμως τοῖς ἄρχουσιν ἐπὶ τοῖς
ἱεροῖς τολμωμένων

1. Τοὺς μὲν πονηροὺς τῶν ἀρχόντων, οἱ γνώμης μοχθηρία λύνουσι νόμους καὶ δικαίων ὑπερορῶσιν, ὥς ἂν μὴ τῷ ἀγνοεῖν ὅ,τι δεῖ ποιεῖν ἀμαρτάνοντας, ἀλλ' ἐκόντας πονηρευομένους καὶ κακουργοῦντας, ἀμύχανον εὔρεῖν ὃς ἂν ἰάσαιτο λόγος καὶ πείσειε σωφρονεῖν· οἱ δὲ βούλονται μὲν
5 εἶναι χρηστοὶ καὶ δίκαιοι πανταχοῦ, προφάσεσι δὲ λόγον τινὰ σφῶζειν δοκούσας ἐξηπατημένοι παρανομοῦσι, τούτους εἰκὸς ἐστίν, εἴ τις ὑπόθετο τὸ δέον, καὶ ἡδέως ἀκούσεσθαι καὶ ῥαδίως πείσεσθαι καὶ ἅπερ ἀγνοοῦντες πλημμελοῦσιν διδασκομένους ἐπανορθώσιν. ἐκείνοις μὲν γὰρ ὧν δεῖ παρὰ τῶν λόγων γίνεται, καὶ οὐδὲν ἔτι κωλύει τὰ αὐτῶν ἐν ἁπασι σφῶζειν· οἱ
10 δὲ πονηροὶ καὶ πρὸ τῶν παραινούντων τάληθες εἰδότες οὐδὲν ἥττον εἰσὶ μοχθηροὶ, ὥστε μάτην μὲν ἴσασιν αὐτοὶ, μάτην δὲ παρὰ τῶν ἄλλων ἀκούσονται. διὰ ταῦτα πρὸς μὲν ἐκείνους σιωπᾶν χρή, τὸ τοῦ Σολομῶντος ποιούντας ὃς τοὺς κακοὺς ἐλέγχειν οὐ συγχωρεῖ, τοῖς δὲ ἀγαθοῖς προσιτέον, περὶ ὧν πολιτεύονται παραινούντας παρακαλοῦντας ἐλέγχοντας,
15 εἴ τι λαθόντες εἰργάσαντο πονηρὸν· ἐκείνοι γὰρ, πρὸς τῷ βελτίους γενέσθαι τῷ κοινῷ, καὶ χάριν ἡμῖν εἴσονται τῶν ἐλέγχων.

2. Οὐκοῦν εἴ τινες πρὸς τοὺς λόγους δυσχεραίνουσι τούτους, οὐ πρὸς ἐκείνους εἰρήσονται, ὥστ' οὐκ ἂν δικαίως δυσχεραίνουεν· εἰ μὲν γὰρ τὸ παρὰ τῶν λόγων τοῖς πειθόμενοις ὄφελος συνορῶντες ὀργίζονται, βασκανία τοῦτ' ἂν εἴη· καὶ τί δεῖ βασκαίνειν, ἐξὸν μιμήσασθαι; εἰ δὲ πληγὴν ἡγούνται
5 τοὺς λόγους, ἐπ' ἄλλους τὸ βέλος ἔρχεται· τί οὖν αὐτοὶ κόπτονται; εἰ γὰρ ἐγκαλεῖν χρή, τοὺς ἐξελεγχομένους ἐγκαλεῖν χρή· ἐπεὶ μὴδὲ ἱατρὸς τῶν νοσοῦντων τοῖς βουλομένοις κεράσας φάρμακον, δίκην ἂν ὀφείλοι τοῖς μὴ βουλομένοις προσέσθαι. ἢ πῶς οὐ γελοῖον τοὺς μὲν πληττομένους πρὸς τῷ φέρειν καὶ χάριν εἰδέναι τῶν πληγῶν τοῖς προσάγουσιν, αὐτοὺς δὲ, μὴδὲν ὑπομένοντας τοιοῦτον, || δυσανασχετεῖν καὶ βοᾶν ὥσπερ οἱ τεμνόμενοι; ἀλλ' οἱ μὲν τὰ αὐτῶν ποιούντων καὶ μηδεὶς αὐτοῖς ἔστω φόβος, μὴ παραι-

Fol. 245^v

TESTIMONIA:

1,13 cf. Prov.9:8; Theod. Agallianus, *ed. in Échos d'Orient*, XIV (1911), 207.

VARIAE LECTIONES:

Titulus: Λόγος] τοῦ αὐτοῦ λόγος P

νούντων ἀκούσονται· οὐ γὰρ τοιοῦτος ἤξει λόγος αὐτοῖς οὐδὲ χεῖρες
 ἰατρῶν καὶ φάρμακον, οὐδ' ἄλλο τι τῶν ἡμέρων καὶ φιλανθρώπων, ἀλλὰ
 ψήφους μὲν αὐτοὺς δικαστῶν χεῖρας δὲ δημίων καὶ τὸ παρὰ τῶν νόμων
 15 ξίφος καὶ βάραθρον καὶ τὰ τοιαῦτα χρή προσδοκᾶν· καὶ τοῦτό ἐστι τὸ
 τοῦ προφήτου, ἐν κημῶ καὶ χαλινῶ τὰς σιαγόνας αὐτῶν
 ἄγξαις τῶν μὴ ἐγγιζόντων πρὸς σέ, ὑπόλοιπον εἶναι λέγοντος
 τὴν βίαν τοῖς μὴ λόγῳ παιδευομένοις.

3. Ἡμῖν δὲ ἡ διαδικασία περὶ τῶν ἀρχόντων, οἱ σοφοὶ τέ εἰσι καὶ
 χρηστοὶ καὶ πάντ' ἂν βούλονται μᾶλλον ἢ γνώμῃ προδοῦναι νόμον, καὶ
 τὴν κοινὴν ἐπίστανται φύσιν ὡς ἀμήχανον ἓνα ἄνδρα πάντα εἰδέναι καὶ
 νομίζουσιν οὐ τῶν αἰσχυρῶν ἐν εἶναι τὸ μαρθάνειν καὶ, εἴ τις διδάσκει
 5 τὸ διαφεύγον, οὔτε αἰσχύνονται οὔτε χαλεπαίνουσιν, ἀλλ' ἐν εὐεργέτου τίθε-
 νται μοίρα· λέγω μὲν δὴ περὶ ὧν ἐγκαλοῦμεν αὐτοῖς· ἔστω δὲ δικαστήριον
 τῶν ἐταιροτάτων αὐτοῖς καὶ φιλτάτων οἱ πιστότατοι· δίκη δ', ἂν ἀλώσιν
 ἀδικούντες, ὁμολογήσαι χάριν τοῖς διώκουσι καὶ τῶν ψήφων τοῖς δικασταῖς
 καὶ πρὸ τούτων τὸ κακῶς πεπραγμένον ἐπανορθώσιν.

4. Εἰσὶ τοῖς φροντιστηρίοις ἀγροὶ τινες καὶ οἰκίαι καὶ συνοικίαι καὶ
 πλέθρα γῆς καὶ τοιαῦται ἀφορμαὶ χρημάτων· τούτων δέον ἐφεῖναι τοὺς
 μοναχοὺς ἀπολαύειν οἷς ἔδωσαν οἱ χρησάμενοι τὴν ἀρχὴν, οἱ δὲ ἀφαιρού-
 μενοι τὰ μὲν ἑαυτοῖς τὰ δὲ ἄλλοις παρέχουσι χρῆσθαι, μάλιστα μὲν ἀργύ-
 5 ριον καὶ πυροὺς καὶ κριθὰς καὶ οἶνον καὶ ἄλλους τῶν χωρῶν
 τόκους, ἐνίοτε δὲ καὶ γεωργοὺς καὶ συνοικίας καὶ αὐτὰ τὰ χωρία. καίτοι δε-
 σπύονται μὲν τούτων ἦσαν οἱ δόντες καὶ κύριοι γε δοῦναι, δεσπύονται δὲ δι' ἐκεί-
 νους οἱ παρ' ἐκείνων λαβόντες, οἷς τῶν μὲν ἐξέστησαν ζῶντες, περὶ δὲ τῶν
 αὐτὸ τοῦτο γράψαντες ἐν διαθήκαις, ἀπῆλθον. διαφέρει δὲ οὐδὲν οὕτως ἢ
 Fol. 246^r ἐκείνως κτήσασθαι, ἀλλ' ἔστιν ὁμοίως δεσπότης τῶν ἀγρῶν ὃ τε τὰργύριον ||
 καταβαλὼν καὶ ὁ παρὰ τοῦ πριαμένου δῶρον λαβὼν· ἀλλ' οὐδ' ἐκείνῳ διοί-
 σει τὸ δῶρον παρ' ἔτι ζῶντος ἢ τεθνηκότος λαβεῖν, καὶ γὰρ καὶ τοῦτο κτή-
 σεως τρόπος οὐδενὸς ἐλάττων, τὸ παρὰ τῶν διαθηκῶν λαβόντα κεκτῆσθαι.
 καὶ ταῦτα νόμοι βοῶσι καὶ τὸ διαθήκας λύειν ταυτὸν ἐστι τῷ κατὰ τῶν νόμων
 15 χωρεῖν.

5. Ἐτι τοὺς ἀρχοντας ἀμισθὶ ποιεῖσθαι κελεύοντων τῶν νόμων, αὐτοῖς
 οὐκ ἔστιν ὅς οὐ διδοὺς ἐπὶ τὴν ἀρχὴν ἦκει, καὶ πολλὰ μὲν πρὸ χειροτονίας
 δῶρα πολλὰ δὲ μετὰ τὴν χειροτονίαν παρ' ἐκείνων αὐτοῖς. καὶ τὸ δεινό-
 τατον, ὅτι καὶ τοὺς ἱεροὺς ταῦτα ποιοῦσιν οἱ τῶν ἱερῶν προεστηκότες·
 5 οὔτοι δὲ καὶ τεθνηκότων ἐκείνων συλῶσι μὲν τὰς οἰκίας, κἂν ἐπὶ μυρίοις
 ἀπέλθωσι κληρονόμοις, καρποῦνται δὲ τὰς πόλεις, καὶ πέμπειν ἄλλους

2,16 Ps. 31(32): 9.

4,5 cf. Hom. Od. 9,110.

5,1 νόμων Iust. Nov. 8; Basilica VI,3,1sq.; cf. Epanag. VII,2-3 (II,248sq.,
 edd. Zepi).

2,12 ἀκούσονται P

5,3 αὐτοῖς παρ' ἐκείνων P

αὐτίκα δέον, ἵν' αὖξωσι τὸ κέρδος ἀναβάλλονται, καίτοι τῶν περὶ ταῦτα νόμων τοὺς τοιαῦτα τολμῶντας ταῖς παλαμναιοτάταις ὑποβαλλόντων ἀραῖς.

6. Τὰ μὲν οὖν ἀδικήματα ταῦτα καὶ τοιαῦθ' ἕτερα, ἣ δὲ ἀπολογία·
 χρῆναι, φασὶ, τοὺς ἐπιμελητὰς τῶν κοινῶν πρὸς τὸ κοινῇ λυσιτελεῖς
 ὀρώντας πάντα ποιεῖν καθάπερ τοὺς ἐπιτρόπους ὀρώμεν, οὐχ' ἢ δοκεῖ τοῖς
 νέοις τὰ αὐτῶν διοικούντας, ἀλλ' ὃν ἴσασιν αὐτοὶ τρόπον αὐτοὺς ὠφελή-
 5 σοντες· καὶ τοιούτους ἀξιούσιν εἶναι τοὺς κοινούς ἡγουμένους ταῖς οἰκίαις τῶν
 ἀρχομένων ἐκάστου. τί γὰρ εἰ μὴ δέονται ἡλικίας ὥσπερ οἱ παῖδες, λείπον-
 ται δὲ νοῦ καὶ τοῖς αὐτῶν ὡς ἔτυχε χρώνται; καὶ γὰρ τὴν ἡλικίαν οἱ νομοθέται
 διὰ τὸν νοῦν ζητοῦντες τοῖς μήπω ταύτης τυχοῦσι τοὺς ἐπιτρόπους ἐπέ-
 στησαν, ὡς εἶγε παισὶ φρένες ἦσαν οὐκ ἀπολειπόμεναι τῶν ἀνδρῶν, οὐκ
 10 ἂν ἐδέχσε τῶν ἀγόντων. οὐκοῦν εἴ τινες τοῦ διδάζοντος ἂ συννοίσει δέονται,
 δεῖσθαι δὲ πολλοὺς εἰκὸς, μετὰ τῶν παιδῶν ἂν τις θέιτο τοῦτο τὸ μέρος,
 καὶ δεῖ τοὺς κοινούς ἐπιτρόπους, οὓς εἶναι χρὴ νομίσαι τοὺς ἀρχοντας, καὶ
 βουλομένων καὶ μὴ τοῖς αὐτῶν ὅ, τι βέλτιόν ἐστι χρῆσθαι, κἂν ἀποπηδῶσιν
 ἐκείνοι κἂν ὀδύρωνται, καθάπερ μικρὰ παιδία περιορᾶν. ὅτε τοίνυν τοῦτο
 Fol. 246^v ἐστὶ τὸ τῆς ἀρχῆς σχῆμα || πανταχοῦ, τί δεινὸν εἰ τῶν ἀνακειμένων τοῖς
 φροντιστηρίοις πολλῶν ὄντων λαβόντες ἕνια πένητας μὲν θρέψομεν ἱερεῦσι
 δὲ χορηγήσομεν νεῶς δὲ κοσμήσομεν; ταῦτα δ' οὔτε βλάβος ἐκείνοις οἴσει,
 τῶν ἀπολειφθέντων ἀρκούντων τῇ χρείᾳ, καὶ τῇ γνώμῃ τῶν ἀναθεμένων
 ἐξ ἀρχῆς οὐδὲν ἀπᾶδον· ἐσκόπουν δὲ οὐδὲν ἕτερον ἢ θεὸν θεραπεύσαι καὶ
 20 πένητας θρέψαι. τοῦτο καὶ ἡμῖν τὸ ἔργον. εἰ δὲ καὶ στρατιώτας ἀπὸ τούτων
 ὀπλίσομεν ὑπὲρ τῶν ἱερῶν τούτων καὶ τῶν νόμων καὶ τῶν τειχῶν ἀποθα-
 νουμένους, πῶς οὐ βέλτιον ἢ παρὰ μοναχῶν ταῦτα καὶ ἱερέων ἀναλοῦσθαι
 μάτην, οἷς μικρὰ μὲν πρὸς τὴν τράπεζαν ἀρκεῖ, μικρὰ δὲ πρὸς τὴν ἄλλην
 τοῦ βίου παρασκευὴν, οἴκοι καθημένοι καὶ ὑπὸ στέγην ζῶσι καὶ πρὸς
 25 μηδένα παραταττομένοις κίνδυνον; καίτοι καὶ τοῦτ' αὐτοῖς ἐν καιρῷ μάλ-
 λον ἢ τρόπον ἕτερον δαπανᾶν· τὸ γὰρ ἐστάναι τείχῃ καὶ νόμους εἶναι
 πάντων μὲν ἀναγκαιότατον αὐτοῖς, ἔργον δὲ στρατιωτῶν, εἴ τις ἐν ἀνθρώ-
 ποις σκοποῖ. τί οὖν ἀδικοῦμεν εἰ καθάπερ στέγην ἰάσασθαι καὶ οἰκίαν
 πίπτουσιν ἀνορθῶσαι καὶ ἀγρῶν καὶ χωρῶν ἐπιμεληθῆναι, τὸν ἴσον τρόπον
 30 καὶ τοὺς ὑπὲρ τῆς ἐλευθερίας αὐτῶν ἀγωνιζομένους τρέφειν κελεύομεν; ἢ
 οὐδὲ οἰκέτην ἐξέσται παρὰ τῶν ἱερῶν τούτων τραφῆναι καὶ γεωργὸν καὶ
 ἀρτοποιὸν καὶ οἰκοδόμον; εἰ δὲ τούτους, τί μὴ μᾶλλον ἐκείνους;

7. Οἱ δὲ πᾶσιν οὕτω χρώμενοι καὶ τῶν οἰκείων μὲν οἰκονομοῦντες οὐδὲν
 οὐδὲ τὸν πλοῦτον αὖξοντες οὐδὲ κοσμοῦντες τὴν οἰκίαν, ἀλλ' ὁ συννοίσει
 τοῖς ἀρχομένοις ἐν ταῖς δαπάναις αἰεὶ ζητοῦντες, ποῦ δίκαιον ἐγκαλεῖν, εἴ

5,7 ἀναβάλλονται cf. *Can.* 25 *Conc. Chalc.*; *Nomoc.* c.9.

6,6/7 λείπονται] δέονται P

15 ἀνακειμένων τοῖς] ἀνακει{ } τοῖς P: ex SW supplevi

16 θρέψομεν ἱερεῦσι] θρέψομ{ } εἰσι P: ex SW supplevi

17 ἐκείνοις] ἐ{ } ις P: ex SW supplevi

28 καθάπερ] κ{ } ερ P: ex SW supplevi

30 τῆς om. P

- 5 τινος τῶν ἐπὶ τὰς ἀρχὰς ἰόντων κομίσαντος χρυσίου, πρὸς τὴν ἴσῃν ἀνα-
 λώσομεν χρεῖαν; σκοπῶμεν γὰρ, εἴ που τοῦ πράγματος διαφθείρεται τὸ
 δίκαιον· τριῶν γὰρ ὄντων ἐν αὐτῷ, τῶν χρημάτων τῶν διδόντων τῶν
 λαμβανόντων, τὰ χρήματα μὲν οὐκ ἂν ἀναλωθείη βέλτιον, ἡμεῖς δὲ
 οὐδὲν παρὰ τὸ σχῆμα ποιούμεν ὅπως ἂν εἴη λυσιτελέστερον χρώμενοι,
 οἱ τε διδόντες οὐδὲν ἠδίκηνται μετ' ἐβελουσίου καταβάλλοντες γνώμης. εἰ
 10 τοίνυν οὐκ ἔστιν εὐρεῖν οὐ τὸ ἔγκλημα, τοῦ γιγνομένου πανταχοῦ σφζομένου,
 Fol. 247^r || οὐθ' ἡμεῖς ἀδικοῦμεν, οὔτε τὸν νομοθέτην ἀκόλουθον τὰ τοιαῦτα ἀπαγο-
 ρεῦσαι δῶρα παρ' οἷς τὸ συμφέρον ἐστὶν ἐναργῶς, ἀλλ' ἐκείνα πάντως ἂ
 δι' ἑαυτὸν τις λαμβάνει καὶ δι' ἃ τὸν ἄρχειν οὐ δίκαιον ἔλοιτ' ἂν· ἡμεῖς δὲ
 αἰρούμεθα μὲν τὸν ἄριστον ὧν ἴσμεν καὶ τὸ δῶρον οὐ διαφθείρει τὰς
 15 ψήφους, τὰ χρήματα δὲ τὸ κοινὸν εἴληφε.
8. Διὰ τὰ αὐτὰ δὲ καὶ τὰς ἐν ταῖς πόλεσι τῶν ἱερέων σιτήσεις αἷς
 ἐκάστη τρέφει τὸν ἑαυτῆς, ἐκείνων τεθνηκότων εἴ τινας ἀξιοῖεν ἐπὶ τὴν
 μητρόπολιν ἄγειν, τὸν κοινὸν ποιμένα καὶ τὸν περὶ αὐτὸν χορὸν ἀπὸ
 τούτων ὠφελήσονται, ὅθεν ἀπάσαις καὶ νόμοι καὶ ἱεροσύνη καὶ ὁτιοῦν
 5 τῶν σεμνῶν, αὐτὰς εὖ ποιοῦσι τὰς πόλεις καθάπερ κεφαλὴν ἢ καρδίαν
 αὐταῖς τὴν μητέρα σφύζοντες· ἐπεὶ καὶ ὁ Χριστὸς ἠξίωσε τοὺς ἐργα-
 ζομένους τὸ εὐαγγέλιον ἐκ τοῦ εὐαγγελίου ζῆν. καίτοι
 οὐδ' ἑαυτοῖς μόνον ταῦτα θησαυρίζουσιν ἢ υἱέσιν ἢ συγγενέσιν, ἀλλὰ πολ-
 λοῖς μὲν τῶν ἰδιωτῶν, πολλοῖς δὲ τῶν ἱερέων, οἱ μὴ δυνάμενοι τὸν βίον
 10 οἰκοθεν ποιεῖσθαι πρὸς τὰς ἐκείνων ὀρώσι χεῖρας, οἷς καὶ θοιμάτιον
 παρέχουσι καὶ ἵππον τῶν ἀπελθόντων καὶ ἀργύριον καὶ ὅ,τι ἂν τῆς
 ἐκείνων οἰκίας ἢ τῶν κληρονόμων ἀφέλονται· ταῦτα δὲ τοῖς τε ἀπελθοῦσιν
 ἐν καιρῷ γίνεται καὶ τὸ κοινὸν ὠφελεῖ. — πρὸς τούτοις δὲ καὶ τὸ ἔθος
 προῖσχονται, μηδὲ γὰρ πρῶτοι τοῦ πράγματος ἄρξασθαι καὶ τὰ τοιαῦτα
 15 τολμήσαι ἀλλ' ἀκολουθήσαι πολλῶν ἐτέρων ἡγησαμένων.
9. Ἡ μὲν ἀπολογία τῶν ἀνδρῶν αὕτη, τρισὶ τούτοις ὀριζομένη, τῷ
 συγκεχωρηκότη τῆς ἀρχῆς, ὅθεν ἐξείναί φασιν αὐτοῖς ἢ δοκεῖ τὰ τῶν
 ἀρχομένων οικονομεῖν, τῷ χρῆσθαι τοῖς ἀφηρημένοις εἰς τὸ δέον, οὐ χάριν
 κἂν μὴ παρ' ἐκόντων ἀφέλονται μηδὲν ἀδικεῖν, καὶ τρίτῃ τῇ συνηθείᾳ
 5 δι' ἣν αὐτοῖς καὶ τοὺς νόμους συνηγορεῖν οἱ τὴν συνήθειαν ἀντὶ νόμου
 ταῖς πόλεσιν εἶναι κελεύουσιν. ὅτι δὲ τούτων οὐδὲν αὐτοὺς ἀφίησι τῆς
 αἰτίας, ἀλλ' οὐδὲν ἡττον ἀδικοῦντες ἀλίσκονται, δῆλον ἂν γένοιτο περὶ
 ἐκάστου σκοποῦσι, καὶ πρῶτα δὴ περὶ τῆς ἀρχῆς.
- Fol. 247^v 10. Ὅτι μὲν γὰρ τῶν ὄντων τοῖς ἀρχομένοις τὴν οἰκονομίαν τοῖς ||
 ἄρχουσιν ἀνακεῖσθαι δεῖ, φαίην ἂν, ἀλλ' οὐ τῶν ἰδιωτικῶν, ἀλλὰ τῶν κοινῶν·

8,5 κεφαλὴν cf. Can. Apost. 34.

6/7 I Cor. 9:14.

10,1 ὅτι — 2 κοινῶν cf. Nic. Chon. Hist. 274,10 Bonn.

7,4 πρὸς] ἐπὶ P

8,4 ὠφελήσοντας PS

8 μόνον ταῦτα] ^β ταῦτα ^α μόνον P: μόνον supra versum S

9,3 τῷ χρῆσθαι] τὸ χρῆσθαι P

τῆς γὰρ οἰκίας ἕκαστον προϊστασθαι τῆς αὐτοῦ καὶ τοῖς οὖσιν ἢ δοκεῖ
 χρῆσθαι, καὶ κατορύξαι καὶ εἰκῇ ῥῖψαι καὶ εἰς οὐδὲν δέον δαπανῆσαι
 5 θελήσῃ, μηδενὶ λόγον ὀφείλγειν, οὐ τῶν δημαγωγῶν οὐ τῶν δικαστῶν,
 οὐκ αὐτοῖς τοῖς πάντα ἄρχουσιν βασιλεύουσιν. ὧν μὲν γὰρ ἐκεῖνοι δίκας
 εἶναι βούλονται, ταῦτα νόμοις ἐκώλυσαν· οὐδεμία δὲ τούτων παρὰ τοῖς
 νόμοις εὐθύνη, οὐδ' ἔστιν εἰπεῖν, ὅς τοιαύτην γραφὴν εἰσήγαγε δικαστῆς
 οὐδ' ἐγράψατο κατήγορος, ὥς ὁ δεῖνα μάτην ἀνάλωσε τὴν οὐσίαν καὶ
 10 κατέθετο μὲν οἷς οὐκ ἔδει χάριν, ἐπρίατο δὲ τὸ μηδὲν ὠφελοῦν, καὶ μνησθεὶς
 κληρονόμων τοὺς σοφοὺς καὶ δικαίους ἀφείλε· τὰ ὄντα τοῖς φανλοτάτοις
 ἐμέρισε. τούτων οὐδὲν οἱ νομοθέται κολάζουσιν, ἀλλ' ἐκεῖνα πάντα φυλάτ-
 τεσθαι κελεύσαντες μόνον οἷς ἂν ἀλλήλους βλάψαιεν, τῶν ἰδίων ἕνεκα
 πάντων οὐχ' ὅσον αὐτονόμους ἀφήκαν, ἀλλὰ καὶ τὰ παρ' αὐτῶν διωκόμενα
 15 πεπηγῆναι καὶ μένειν ἐπέταξαν, καὶ δωρεὰς ἀκινήτους εἶναι καὶ πράξεις
 καὶ διαθήκας· καὶ εἴ τι περὶ τῶν ὄντων ἔδοξε τοῖς κεκτημένοις, καὶ οὐδὲν
 ὄφελος ἐκείθεν αὐτοῖς ἢ καὶ ἀκολουθῇ βλάβος, νόμος ἔστιν. ὅθεν δῆλον,
 ὥς οἱ τὴν ἐξουσίαν ταύτην αὐτοῖς ἀφαιρούμενοι καὶ τὴν οἰκονομίαν πρὸς
 ἑαυτοὺς μεθιστάντες παρανομοῦσιν.

11. — Ἀλλ' οὐ τοὺς δεσπότης αὐτούς, φησι, ἐκβάλλω τῆς ἐξουσίας·
 ἐκεῖνοι γὰρ δὴ πάλαι τεθνᾶσι. — πάντες μὲν οὖν, οὐκ ἔω μόνον τὰ δόξαντα
 περὶ τῶν ὄντων αὐτοῖς. καὶ τούτῳ δὴ πρὸς ἀμφοτέρους ἀμαρτάνεις, ἐκείνους
 τε τοὺς δόντας καὶ τουτουσὶ τοὺς λαβόντας, τοὺς μὲν ἀδείας ἀποστερῶν,
 5 ἣν ἅπασι παρέσχον περὶ τῶν ἰδίων οἱ νόμοι καὶ ζῶσι καὶ τεθνηκόσι, τοὺς
 δὲ τὸ κτηθὲν βεβαίως ἀφαιρούμενος, μηδὲν ἀδικοῦντας. ἢ νομίζεις οὐκ
 ἀρκεῖν αὐτοῖς πρὸς κτήσιν βεβαίαν τὸ τὸν τρόπον τοῦτον λαβόντας ἔχειν;
 τί οὖν, ὅποταν τύχης δικάζων, εἴ τις τοιοῦτον κομίζοι γραμματεῖον, τοῖς
 ἐκεῖ γεγραμμένοις ἀκολουθεῖς καὶ κύριον εἶναι ψηφίζῃ τοῦ πράγματος,
 10 καθάπερ διὰ τὸ πρίασθαι τὸν πριάμενον καὶ τὸν ἀλλαξάμενον || διὰ τὴν
 ἀμοιβήν, οὕτω καὶ τὸν προῖκα λαβόντα διὰ τὴν χάριν. ἐπεὶ δεῖξον ὁ χεῖρον
 ἐκείνων ἐν αὐτοῖς, εἰ μὴ τῷ παλαιᾷ εἶναι τὴν δωρεὰν καὶ τοὺς δωρησα-
 μένους πολλοῖς πρότερον γενέσθαι τοῖς χρόνοις, ἀσθενεστέραν τῶν νεω-
 τέρων ἡγήσῃ καὶ καθάπερ ζῶν ἐνδοῦναι τῷ χρόνῳ καὶ γηρᾶσαι τὸ δίκαιον·
 15 εἰ δὲ τοῦτο γελοῖον, καὶ ὧν οἶσθα κυρίους μηδὲν ἐγκαλεῖν ἔχων ἀποστερεῖς,
 τί τὸν λωποδύτην ἐλαύνεις; καθάπερ γὰρ ἐκεῖνος τὰλλότρια λαμβάνων
 ἀλίσκε· ἢ δεῖξον, ᾧ διαφέρεις· ἀλλ' οὐκ ἂν ἔχῃς.

12. — Καὶ πῶς ἂν εἴη δεσπότης αὐτούς, φησι, προσειπεῖν ὧν οὐδὲν
 ἕξεστιν αὐτοῖς ἀποδόσθαι οὔτε χαρίσασθαι, οὔτε ἀγρὸν οὔτε οἰκίαν
 οὔτ' ἄλλο τῶν ἀνακειμένων τοῖς ἱεροῖς; — εἰ μὲν οὖν καὶ χωρῶν καὶ οἰκιῶν

12,3 εἰ—7 δεικνύναι cf. *Patr. Philothei decretum a.1367* (Miklosich-Mueller, I,507).

10,4 ῥίψαι PS

15 ἐπέταξαν] ^{ἐπέ} προσέταξαν P

11,5 περὶ τῶν ἰδίων οἱ νόμοι] οἱ ^βνόμοι περὶ τῶν ἰδίων P: οἱ νόμοι περὶ τῶν ἰδίων οἱ ^ανόμοι S

13 τοῖς om. S

14 γερᾶσαι P

καὶ τῶν ἄλλων κτήσεων δεσπότης εἶναι χρή τούτους νομίζειν μήπω
 5 ζητῶμεν· ὅτι δὲ καὶ τῶν καρπῶν καὶ τῶν προσόδων αἱ τῶν κτησαμένων
 ἐντολαὶ κυρίους εἶναι βούλονται τὰ μὲν εἰς τὴν αὐτῶν ἐκάστου χρείαν
 τὰ δ' εἰς τὸ κοινὸν ἀναλίσκειν, οὐκ ἂν δέοι λόγου δεικνύναι. διὰ ταῦτα δεῖ,
 καὶ νόμους αἰδουμένους καὶ δίκαια, συντηρεῖν ἐνταῦθα τὴν ἐξουσίαν αὐτοῖς
 μήτε ἀργύριον εἰσπράττοντας μήτε τῶν χωρίων φορὰν.

13. — Ἄλλὰ κακῶς οἰκονομοῦσι τὴν ἐξουσίαν, φησὶ, καὶ οὐ κατὰ
 γνώμην τῶν δεδοκότων. — οὐκοῦν δίκασον ἀμφοτέροις· καὶ λαβὼν ἀνάγνωθι
 μὲν τοὺς ἐκείνων νόμους, ζήτησον δὲ καὶ τὰ τῶν ἀνδρῶν ἀκριβεῖ βασιάνῃ,
 καὶ εὖρης παρανομοῦντας, ποιεῖ τὰ τῶν δικαστῶν. τί οὖν ἐκείνοι; μηδὲν
 5 αὐτοὶ τῶν ἀδικούντων παρακερδαίνοντες, ἀλλὰ τοῦτ' αὐτὸ μόνον, τοῖς ἡδίκη-
 μένοις τὸ παρ' ἐκείνων ἀπενεχθὲν ἀντικαθιστάντες, οὐδὲν πλέον ζητοῦσι.
 καὶ σὺ τοῖνυν ἂν παρασκευάσῃς αἰδεῖσθαι τοὺς νόμους τῶν οἰκιστῶν, ἢ πεί-
 σασ ἢ βιασάμενος, ἀπαλλάττον μηδὲν λαμβάνων· τί γὰρ πρὸς τὰ δίκαια τὸ
 λαμβάνειν, μᾶλλον δὲ πῶς οὐ πολεμεῖ τῷ τῶν δικαστῶν σχήματι, ὧν τὰς
 10 χείρας λημμάτων εἶναι δεῖ καθαρὰς; καὶ οὐπω τὸ χεῖρον εἶπον· καὶ γὰρ
 σταντῷ περιπίπτεις καὶ τοῖς φεύγουσι τῶν ἀδικημάτων ὑπὲρ ὧν αὐτοὺς
 ἐλαύνεις κοινωνὸς γίνῃ, λαμβάνων ἃ λαβεῖν παρὰ τῶν δοῦναι κυρίων οὐκ
 Fol. 248^v ἐπετράπης, || καὶ ταύτη τὰς διαθήκας ἀδικῶν καθάπερ ἐκείνοι. καὶ ἔοικας,
 δι' ὧν ἐκείνους μὲν κωλύεις τὰ τοιαῦτα κακοουργεῖν, σταντῷ δὲ συγχαίρεις,
 15 οὐ τῷ μισεῖν τὴν πονηρίαν τοῖς τολμῶσιν ἐπιτιμᾶν, ἀλλὰ τῷ σφόδρα περιέ-
 χεσθαι μόνῳ σταντῷ βούλεσθαι τὸ πρᾶγμα τηρεῖν, ὥσπερ οὐδέσιν ἄλλοις
 ἢ ὑμῖν ἐξὸν ἀδικεῖν.

14. — Ἄλλ' οὐδὲν ὁμοίον, φησιν, τὸ γὰρ ταῦτα ποιεῖν ἐκείνοις μὲν
 ἀδικεῖν ἐστίν, ἡμῖν δὲ οὐκέτι, καθάπερ καὶ τῶν κτήσεων ἡντινοῦν ἀποδόσθαι
 τῶν ἱερῶν αὐτοῖς μὲν τοῖς καρπουμένοις ἔγκλημα γένοιτ' ἂν, τοῖς ἄρχουσιν
 δὲ ἔξεστι. καὶ γὰρ ἐπιτρεπόντων μὲν ἐκείνων οὐχ ἁμαρτάνουσιν ἀποκτώμενοι,
 5 μὴ τοῦτο δὲ ποιούντων οὔτε κύριον ἂν εἴη τὸ πεπραγμένον καὶ αὐτοὶ δίκας
 τοῖς νόμοις ὀφείλουσιν· ὅπερ δυοῖν τούτων περιφανὴς ἀπόδειξις, τοῦ τε
 τοὺς ἄρχοντας τοῖς ἰδιώταις μὴ τῶν αὐτῶν ὑπευθύνους εἶναι πανταχοῦ,
 καὶ τοῦ πᾶσι τοῖς ὑπὸ τὴν ἀρχὴν ὡς ἂν συνενέγκαι δοκοῦσι χρήσθαι μόνους
 εἶναι κυρίους. — καὶ μὴν δέδεικται τῶν κοινῶν ἐπιμελητὰς εἶναι μόνον
 10 ὑμᾶς, ἰδίᾳ δ' ἕκαστον τῶν ἑαυτοῦ. ταῦτα δὲ οὐ κοινὰ τῆς πόλεως, ἀλλ'
 ἐνίων καὶ οἷς ἐκείνοι παρέσχον. εἰ δ' ὅτι δικάζεις αὐτοῖς καὶ τι διατίθεσθαι
 δεῖσαν τὸ γραμματεῖον κυροῖς, διὰ τοῦτο μερίτης εἶναι τῶν ὄντων αὐτοῖς
 ἀξιοῖς, τί μὴ πάσας περιέρχῃ τὰς οἰκίας καὶ χρυσίον ἐκλέγῃ καὶ φόρους
 τίθῃς τούτους καινοῦς; καὶ γὰρ ἅπασιν δικάζεις ὁμοίως καὶ τοὺς κειμένους
 15 ἐκάστοις νόμους σφάζειν κελεύεις, καὶ ταῖς πολιτικαῖς κοινωναῖς ἐπιψηφίζῃ
 τοῖς συμβολαίοις, οὐ πᾶσιν, ἀλλ' ὅθεν οὐδὲν ἀδίκημα καὶ οἷς ὁ νόμος οὐ

14,4 καὶ — ἀποκτώμενοι cf. Iust. Nov. 46c.1; 54c.2; 67c.4; cf. Nov. 7c.7; *dipl.*
 Esphigmen., nro 21 lin. 19, edd. Petit-Regel, *Viz. Vrem.*, XII (1906),
 app. p. 43.

9 δέδεικται cf. 10,1sqq.

πολεμεί· τί οὖν πλέον ἐν τοῖς φροντιστηρίοις καὶ τοῖς ἱεροῖς ὑμῖν ἔξεστι ποιεῖν;

15. — Ὅτι τοὺς μὲν ἄλλους, φησὶν, ἐν ταῖς κοινωνίαις τὴν ἀδικίαν φυλάττεσθαι κελεύομεν μόνον, παρὰ τούτων δὲ καὶ τὸ συμφέρον ἐν οἷς οἰκονομοῦσιν ἀπαιτοῦμεν ἐκ παντὸς τρόπου, τοῦτο δὲ γένοιτ' ἂν οὐ δικαστῶν ἀλλὰ δεσποτῶν. — καὶ μὴν καὶ τὸ βλάπτειν τοῖς τὰ αὐτῶν οἰκονομοῦσιν
 5 οἱ δεσπότες συγχωροῦντες· οὐκ ἀδικοῦσι· σοὶ δὲ πρὸς αὐτοὺς τοῦτο ποιεῖν οὐκ ἔξεστιν, ἀλλὰ κἂν ἐν οἷς ἑαυτοὺς ἐκ τῶν δικαίων ὠφελοῦσι τὰ σὰ || βλάπτωσι, κωλύειν οὐκ ἂν τολμήσῃς. πῶς οὖν ἂν εἴης κύριος; καὶ τί ταῦτα λέγω; σκέψαι τὸ γραμματεῖον· τίς ὁ πιπράσκων ἐκεῖ; τίνα δείκνυσιν γενέ-
 10 σθαι τοῦ πεπραμένου δεσπότην; οὐκ αὐτοὺς εἶναι τοὺς κτησαμένους φησὶν, εἴτα τοσοῦτον λαβόντας ἀργύριον ἐκστῆναι τοῖς καταβαλοῦσι τοῦ κτήματος; καὶ σὺ δὲ αὐτοῖς ταῦτα μαρτυρεῖς, ἐν οἷς ἐπιψηφίζῃ τοῖς πεπραγμένοις· οὐ γὰρ σαντὸν εἶναι κύριον οὐδὲ αὐτὸς πιπράσκειν, ἀλλ' οὗτοι, φῆς, τὴν ἑαυτῶν οἰκίαν ἢ τὴν χώραν καλῶς ἀπέδοντο καὶ ὥς οἱ νόμοι βούλονται, καὶ δεῖ τὴν πρᾶσιν ἐρρῶσθαι. ταῦτα γράφεις· οἷς οὐ
 15 δίκαιος εἰ πολεμεῖν οὐδ' ἐπιλανθάνεσθαι σαντοῦ καὶ τῶν σαντοῦ ψήφων, ὁπόταν δέῃ λαμβάνειν. ὅτι γὰρ περὶ τοῦ συμφέροντος αὐτοῖς διαλέγῃ καὶ φυλάττεσθαι κελεύεις τὸ βλάπτειν, σὺ μὲν ἐπιτρόπων τινῶν ἢ δικαστῶν, οὐ δεσπότην, πρᾶγμα ποιεῖς· ἐκείνους δὲ οὐδὲν κωλύει τοῦτο δεσπότης εἶναι.

16. — Τί οὖν οὐκ ἐφ' ἑαυτῶν, φησι, ταῦτα πράττουσιν, εἶγε τὰ αὐτῶν πράττουσιν, ἀλλὰ δεῖ τῆς τῶν ἀρχόντων γνώμης ἐξάπτειν; — ὅτι τῶν κτήσεων τούτων καὶ ἄλλους ἴσχουσιν κοινωνοὺς, τοὺς ἔπειτ' ἐσομένους ἐπὶ τῶν αὐτῶν πραγμάτων· οὐ γὰρ αὐτοῖς ἔδοσαν μόνον οἱ δόντες, ἀλλὰ καὶ τοῖς
 5 μετ' αὐτοὺς πᾶσι τῷ χρόνῳ, τὰς αὐτὰς μὲν οἰκῆσουσιν οἰκίας, βίον δὲ τὸν αὐτὸν ἐπιδειξομένοις. ὅθεν ἀνάγκη τοὺς ἀρχοντας συνροᾶν, οἷς μέλει τῶν νόμων καὶ τῶν δικαίων, μὴ δι' ὧν οὗτοι ποιοῦσι, τὴν συνοικίαν περὶ τὰς εὐπορίας βλάψαντες, τοὺς κοινωνοὺς ἀδικήσωσιν. ἂν μὲν γάρ τις αὐτὸν αἰρή-
 10 ται βλάπτειν, οὐ τοῦ ἀρχοντος κωλύειν· ὅταν δὲ καὶ πρὸς ἄλλους ἢ βλάβη χωρῇ, τότε ἤδη καὶ ἀδικία τὸ πρᾶγμα καὶ τὸν ἀδικοῦντα κολάζειν ἀνάγκη τὸν δικαστὴν. διὰ ταῦτα τοὺς καρποὺς ἢ βούλονται δαπανῶντες, συντηροῦσι τοὺς ἀγροὺς ὥς ἂν οὐκ αὐτοῖς μόνον ὄντας, ἀλλὰ καὶ τοῖς ἔπειτα τηρουμέ-
 15 νους, καὶ τὰργύριον εἰσπράττοντες παρὰ τῶν τὰς οἰκίας μισθωσαμένων, αὐτὰς οὔτε καθαιροῦσιν οὔτε καταπίπτειν ἐῷσιν οὔτε πιπράσκουσιν οὔτε ἀμείβουσιν, ἀλλ' εἴ τις τούτων || ἀνάγκη γένοιτο, μαρτύρεσθαι δεῖ τοὺς τὰ κοινὰ πολιτευομένους ὑμᾶς καὶ δεικνύναι πανταχόθεν, ὥς ἐν οἷς οὕτως οἰκονομοῦσιν, τοὺς μερίτας οὐκ ἀδικοῦσιν, οὐδὲ τὰ αὐτῶν αὔξοντες, ἀ κοινὰ πρὸς ἐκείνους χεῖρω ποιοῦσι. καὶ τοῦθ' οἱ νόμοι κελεύουσιν, προνοίᾳ τοῦ μὴ τοὺς ἀπόντας ὑπὸ τῶν παρόντων τοῖς πράγμασιν ἀδικεῖσθαι. τού-
 20 τοὺς γὰρ ἀδικεῖσθαι μὲν οὐδὲν κωλύει, ἀποκρούεσθαι δὲ τὴν βλάβην

16,2 τῆς — ἐξάπτειν cf. *testimonia ad 14,4*.

18 νόμοι Iust. Nov. 46c.1; 67c.4; cf. Nov. 120c.6.2.

16,8 ἀδικήσουσιν S

18 κελεύουσιν S

ἀμήχανον. τῶν μὲν γὰρ εἴ τις βλάπτει δικάσασθαι δυναμένων ἢ πέμπειν
 τοὺς γραφομένους, ὥς ἂν αὐτοῖς ἀρκούντων τοῖς δικασταῖς οὐ πολλὰ φρο-
 ντῖς, ἀλλ' εἴ τις ἀδικεῖν δοκοῖ, δίκας μὲν εἰσπράξασθαι βουλομένοις
 ἀμύνουσιν, ἀνεχομένους δὲ οὐκ ἐνοχλοῦσιν· οἱ δὲ μήτε παρῆναι δύνανται
 25 μήτε γοῦν τοὺς ἀδικούντας ἐπιγινώσκειν, τούτοις ἐκ παντὸς τρόπου πρὸς
 ἃ δεῖ πάντα βοηθοῦσιν· οἷα τοὺς ἔτι παῖδας ποιοῦσιν, οἷς οὔτε ζῶσιν οἱ
 τεκόντες οὐτ' ἀπελθόντες τοὺς ἐπιμελησομένους κατέλιπον. τούτοις γὰρ
 οὐδὲ νοῦ τυχοῦσιν ἔτι διὰ τὴν ἡλικίαν ἀντὶ πάντων αὐτοὶ γίνονται, καὶ
 30 τοὺς μὲν οὐδὲν ἑῶσι πράττειν ὃ μὴ ἂν αὐτοῖς συνενέγκῃ, τοὺς δὲ τὰ αὐτῶν
 εἰ τύχοι λυμαινομένους, κἂν αὐτοὶ μὴ μέμφωνται μηδὲ χαλεπαίνωσι, κωλύ-
 ουσιν οὗτοι πάσῃ σπουδῇ καὶ δίκας εἰσπράττουσι· καὶ τοῖς ὠνεῖσθαι τι
 βουλομένοις τῶν ὄντων αὐτοῖς αὐτοὶ διαλέγονται, κἂν τις λάθῃ τι παρ'
 αὐτῶν ἢ προῖκα λαβὼν ἢ πριάμενος μὴ τοῦ ἄρχοντος κελεύσαντος ἢ τῶν
 δικαστῶν ἢ τῶν φροντιστῶν οἷς αὐτοὶ τὰ τῶν νέων ἐπέτρεψαν, ἄκυρος
 35 οὗτος ὢν ἔλαβεν, οἱ νόμοι φασὶ, καὶ πρὸς γε, τοῦ λαβεῖν χάριν εἴ τι
 δαπανήσας ἔτυχεν, ἀπολλύς. καὶ μερίται προσόδων εἴ τινές εἰσιν αὐτοῖς
 καὶ κτήσεων ὠντινωνοῦν κοινωνοὶ, καὶ δεῖ τι τούτων ἀμείβειν ἢ μετα-
 σκευάζειν ἢ πιπράσκειν, ἐπὶ τοὺς ἄρχοντας βαδιῶνται ἢ τοὺς δικαστὰς
 ἢ τοὺς ἐπιτρόπους καὶ τὴν ἐκείθεν ψήφον ἀναμενοῦσιν, ὥς οὐκ ἐξὸν αὐτοῖς
 40 ἐφ' ἑαυτῶν ταυτὶ διοικεῖν. || καίτοι κύριοί γε εἰσι τῆς κτήσεως τῶν νέων
 οὐδὲν ἦττον, ἀλλ' ἵνα μὴ λάθωσιν ἡδικοκότες τοὺς ἀμύνειν ἑαυτοῖς μήπω
 δυναμένους, ὥς ἀκύρους εἰς εὐθύνας ὁ νόμος ἤγαγεν· ἃ δὴ καὶ τούτους
 ποιοῦσι περὶ ὧν ἡ νυνὶ διαδικασία. οὕτως ὑμῖν οὐχ ὥς οἰκέται δεσπότης,
 45 ὅ,τι χρὴ δρᾶν περὶ τῶν ὑμετέρων ἐρωτήσοντας, ἀλλ' ὥς δικασταῖς προσίασι,
 μή τι λάθωσιν ἀδικήσαντες· ἀλλ' οὔτε τοὺς δικαστὰς τούτων ἢ τῶν ἄλλων
 περὶ ὧν δικάζουσιν, οὔτε σὲ δεσπότην τοῦτο ποιεῖ. ἃ τοίνυν οὔτε οἰκοθεν
 ἐκτίσω οὔτε γνώμῃ τῶν κτησαμένων οὔθ' οἷς ἐκείνοι παρέσχον, οὐ νόμος
 ἐπέτρεψε λαβεῖν, οὐ τὸ τῆς ἀρχῆς πρᾶγμα, πῶς οὐκ ἀδικοῖς ἀφαιρούμενος;
 17. — Ἀλλὰ τοῖς ἀφηρημένοις καλῶς χρώμαί, φησι, καὶ ὥς ἂν αὐτοῖς
 συνενέγκῃ. — ἔστω· τί δὲ πρὸς τὸν λόγον; εἰ μὲν γὰρ ὥς οὐ καλῶς διοι-
 κησάμενος αἰτίαν ἐδέχου, κἂν εἰκότως τούτους ἀντετίθεις τοὺς λόγους·
 5 νῦν δὲ φεύγεις τοῦ κακῶς ἀποστερεῖν καὶ δίκας ἔχεις ὥς ἀδίκως εἶης
 λαμβάνων· πῶς οὖν ἀκόλουθον τῷ ἐγκλήματι ταύτην ποιῇ τὴν ἀπολογίαν;
 καθάπερ γὰρ δύο ταῦτα πράγματα, χωρὶς μὲν τὸ λαβεῖν χωρὶς δὲ τὸ
 χρῆσθαι, τὸν ἴσον τρόπον δύο μὲν ἐντεῦθεν ἐγκλήματα, διττῆς δὲ φροντίσαι
 δεῖ τῆς ἀπολογίας· σὺ δὲ ποιεῖς παραπλήσιον ὥσπερ εἴ τις φόνου φεύγων
 10 ὥς μὲν καθαρὰς ἔχει τοῦ μύσους τὰς χεῖρας οὐδ' εἰπεῖν ἐφρόντισε, πολλὰ δὲ
 περὶ σωφροσύνης διαλεχθεῖς, καὶ δείξας ὥς εἴη τῆς ἀρετῆς ἀφιγμένος εἰς
 ὅσον ἔξεστι πλείστον, λύνει ἡγήτο τὸ ἐγκλημα· καὶ γὰρ καὶ ταῦτα δύο καθά-
 περ ἐκείνα, καὶ οὐκ ἂν ἀπολογίας δεηθείη μιᾶς. σημείον δὲ καὶ γὰρ θατέρου
 λυομένου θατέρον μένειν οὐδὲν κωλύει. φέρε γὰρ, εἴ τις χρήματα σεσυλη-
 κῶς ἢ τῶν ἱερῶν ἢ τῶν ιδιωτικῶν πειραταῖς ἢ λησταῖς ἐχορήγησεν, * * *

16,36 μερίται PS

17,2 ^η συνενέγκοι S

14 lacunam proposui

- 15 οὐκ ἀμφοτέροις ὀφείλει δίκην, παρ' ὧν τε ὑφείλετο καὶ οἷς ἐπέθετο δαπανή-
 Fol. 250^v σας; τί δ' ἂν οἱ σεσυλημένοι τὰς δίκας ἀφώσιν αὐτῷ, κωλύει τι τοὺς πεπο-
 λεμμένους λαμβάνειν; καὶ τίς ἂν εἴποι; || πῶς οὖν τὸ ἔγκλημα ἐν καὶ
 μιᾷ ἀπολογίᾳ δεόμενον;
18. Εἰ δ' ὅτι ταῦτ' ἀπολογίαν λαμβάνουσι καὶ οἷς χρῶνται, διὰ τοῦτο ἐν εἶναι
 ταῦτα νομίζουσι καὶ τὴν ἀπολογίαν θατέρου καὶ ἀμφοτέροις ἀρκεῖν, καὶ
 τὸ ἀνάπαλιν συγχωρήσουσι· καὶ καθάπερ τοῖς ἀδίκως λαβοῦσιν ἀπὸ τοῦ
 5 χρήσασθαι καλῶς, οὕτως ἀπὸ τοῦ καλῶς κτήσασθαι γένοιτ' ἂν τοῖς κακῶς
 χρησάμενοις ἀπολογία, καὶ ὁ τοῖς αὐτοῦ κατὰ τοῦ μηδὲν ἡδίκηκός
 χρησάμενος, εἰ τοῦτ' αὐτὸ δείξει μόνον, μήτε ἀρπάσας τὰ χρήματα μήτε
 σεσυληκῶς, ἀλλ' ἐκ τῶν δικαίων ἔχων, οὐδὲν ἡδίκησεν ἐν αὐτοῖς δικασταῖς·
 καὶ τὸν ἀνδροφόνον δὲ ἀφήσουσιν αἰτίας ἀπάσης, ἀποδείξαντα τὴν
 μάχαιραν ἣ τὸν φόνον εἰργαστο πατρῶον αὐτῷ κτῆμα καὶ ὥς οὐδὲν
 10 ἀδίκησας ἐκτήσατο. καὶ οὕτως ἀποτότατόν τινα καὶ καινὸν δίκης τρόπον
 ἀνάγκη ταῖς τούτων ψήφοις ἐπόμενον συγχωρεῖν. ἀλλ' οὔτε νόμος ταῦτα
 ἐνέδωκεν οὐδεὶς οὔτε φύσις οὔτε τῶν πονηρῶν ἀνθρώπων οὐδεὶς ἐτόλμησεν
 ἐπὶ τούτους ἀναχωρῆσαι τοὺς λόγους, ἀλλ' ἂν ἄλῃ τις τοῖς οὖσι παρανόμως
 χρησάμενος, οὐ περὶ τῆς κτήσεως εἶπεν οὐδὲν, κἂν ἕτερος ὅπως ἔλαβεν
 15 ἀπαιτῇται δίκην, οὐ τὴν δαπάνην προὔβαλετο, ἀλλ' ἂν οὐδὲν εὐλογον ἔχη
 λέγειν ὑπὲρ ὧν ἐγκαλεῖται, τοῖς νόμοις ὑπάγεται σιωπῶν.
19. Τί οὖν ὑμεῖς, ὁ μήτε ἐδίδαξεν οὐδεὶς οὐδένα, οὐ νόμος συνεχώρησεν,
 οὐ δικαστῆς, οὐ πονηρὸς ἄνθρωπος ἐθάῤῥησεν εἰπεῖν, ὥς εὐλογόν τι καὶ
 σεμνὸν προῖσχεσθε; ἔλαβες παρὰ τοῦ μηδὲν ἡδίκηκός, εἴτε ἀρπάσας
 εἴτε ἀποδόμενος ὁ προῖκα παρέχειν ἐχρῆν; οὐκοῦν ἡδίκηκας. ἐχρήσω καλῶς;
 5 οὐδὲν πρὸς ἐκείνον, ἕως οὐ δείξεις ζημίας ἄξιον ἡμαρτηκότα μηδὲν. τὰ μὲν
 γὰρ χρήματα ὥς ἡδίκησας ἐγκαλήσειεν ἂν οὐδεὶς, ἐκεῖνοι δὲ ἀδικοῦνται.
 καὶ ἀνδράποδον αὐτῶν εἰ λάβοις καὶ ἵππον, ἐκεῖνα μὲν οὐ παρανομῆσεις
 ἄγων καὶ τρέφων καλῶς, τὸν δὲ παρ' οὐ λαμβάνεις, καὶ πάντ' κἂν διω-
 κόντων ἐκείνων τὴν οἰκονομίαν αὐτὸς προῖσχη, τὰς ψήφους οὔτε ἀμείνους
 Fol. 251^r σταντῷ || ποιήσεις καὶ γέλωτα ὀφλήσεις παρὰ νοῦν ἔχουσι δικασταῖς. ἐπεὶ
 τί ἔτι κωλύει μὴ ἀνδραπόδων καὶ ἵππων μόνον, ἀλλὰ καὶ αὐτῶν ἄπτεσθαι
 τῶν τιμιωτάτων, καὶ γυναικὸς καὶ παίδων ἀποστερεῖν, ὥς κάλλιον αὐτοῖ
 παιδεύσοντες καὶ χρησόμενοι, καὶ μὴν καὶ οἰκίαν καὶ ἱμάτιον ἅπαν καὶ
 τὴν ἐλευθερίαν αὐτῇν, ὥς ἂν αὐτοὶ σοφώτερον καὶ λυσιτελέστερον οἰκono-
 15 μήσουντες αὐτοὺς ἢ ἐκεῖνοι σφᾶς αὐτοὺς; ἀλλ' ἄτοπα ταῦτα καὶ οὐδὲν ἢ
 γέλως καὶ λῆρος.
20. Οὐκοῦν ἀπὸ τοῦ χρήσασθαι καλῶς ἀπολογία πρὸς τὸ λαβεῖν
 οὐδεμία, ἀλλ' αὐτὸ τὸ λαμβάνειν οἴκοθεν ὥς μετὰ τοῦ δικαίου καὶ τοῦ
 νόμου γίνεται δείξει δέ, τούτου δὲ μὴ δειχθέντος, ὁμολογεῖν ἀδικεῖν.
 σκέψαι γὰρ τοὺς ἀδίκους ἅπαντας ἀνθρώπους καὶ μισροὺς, τοὺς τοιχω-
 5 ρύχους τοὺς τυμβωρύχους τοὺς λωποδύτας, οἷς μυρίων κακῶν οἱ νόμοι
 τιμῶσιν, ὥς οὐδὲν ἕτερον ἐγκαλοῦσιν αὐτοῖς, ἢ τὸ λαμβάνειν ἀδίκως καὶ

20,1 οὐκουν PS

2/3 μετὰ τοῦ δικαίου καὶ τοῦ νόμου γίνεται] μετὰ τοῦ δικαίου γίνεται καὶ τοῦ
 νόμου P

παρὰ τοὺς νόμους, καὶ οὐ πυνθάνονται τὴν δαπάνην, εἰ τὰ χρήματα τῶν
 ἡδικομένων εἰς δέον ἀνάλωσαν, ὡς οὐδεμιᾶς ἐκείθεν συναγομένης ἀπο-
 λογίας αὐτοῖς. ἀλλ' ἂν τὰ σὰ ταῦτα ἰσχύσῃ καὶ κύρια γένηται, πονηρὸν
 10 μὲν τῶν ὀνομάτων τούτων οὐδὲν, τὸ κακῶς ἀφαιρεῖσθαι σημαίνοντα μόνον,
 νόμου δὲ οὐδὲν ἔργον, μέχρι τοῦ λαμβάνειν τὰς δίκας ὀρίζοντος αὐτοῖς,
 δικασταὶ δὲ τῆς μὲν πονηρίας ταύτης οὐκ ἀπαιτήσουσιν εὐθύνας ἀλλ',
 ὃ μηδεὶς ἐκέλευσε νόμος, τὴν οἰκονομίαν ζητήσουσιν ἀκριβεῖ βασάνῳ.
 15 καὶ μηδεὶς ἐξελέγχῃ πονηρὰν εἶναι, καὶ στεφανώσουσι. πάντως δὲ ὡς
 καλῶς ἀνάλωσαν καὶ δεόντως οὐκ ἀπορήσουσι λόγων, οἷς πείσουσι, καί
 που καὶ πένητας δείξουσιν οἷς ἱμάτιον παρέσχον καὶ ἄρτον καὶ νεὼς
 κοσμουμένους καὶ ἱερέας ὑπὲρ εὐχῶν καὶ θυσιῶν μισθουμένους καὶ λύχνους
 ἐν τοῖς ἱεροῖς ὑπ' αὐτῶν ἡμμένους, οἷμαι δὲ καὶ εἰσφοράς ἐν τῷ κοινῷ καὶ
 20 τειχῶν ἀνορθώσεις καὶ τοιαῦθ' ἕτερα. τί μιαιώτερον τυμβωρύχων; ἀλλὰ
 καὶ τούτοις ἐκείθεν προφάσεων εὐπορία πολλή. πῶς γὰρ ἀδικοῦμέν, φασιν,
 οὓς οὐδὲν ἤδη δύναται βλάπτειν; τὸ δ' ἱμάτιον εἰκὴ κείμενον εἰς τοὺς χρῆσθαι
 δυναμένους ἔδει χωρεῖν. καὶ ἱερόσυλος ταῦτα ταῦτα ἐρεῖ· τί γὰρ ἔδει, φησὶ,
 Fol. 251^v παρὰ τῷ || μηδὲν δεομένῳ τὸ χρυσίον ἔαν, πεινῶντας ἀνθρώπους περι-
 ορῶντας; οὐκοῦν ζήτησον, ἅν μὲν λάβῃς ἀπὸ τούτων τρυφῶντα, ταῖς ἐσχά-
 25 ταις ὑπάγαγε δίκαις· εἰ δὲ ἄρτου καὶ τῶν ἀναγκαιοτάτων ἐμαντῷ καὶ τοῖς
 τέκνοις ἐφρόντισα, καὶ ὦν χωρὶς ἀνάγκη τεθῆναι, τί δεινὸν εἰργασμαι,
 δι' ὦν οὐδεὶς ἡδίκηται, ὁλόκληρον οἰκίαν διασώσας τῇ πόλει; καὶ ταῦτ' ἐρεῖ
 πονηρὸς ἅπας καὶ παρῤῥησιάζεται. ἀλλ' οὔτε ἐκείνους ταῦτα πρὸς τὸ μὴ
 δοῦναι δίκην ὦν ἐτόλμησαν οὐδὲν ὠφελήσκει, τοὺς τε ἄρχοντας τοιαῦτα λέγειν
 30 καὶ σκηπτεσθαι πολὺ τὸ αἰσχρὸν, καὶ τῶν ἐγκλημάτων οὔτε ἀφίησιν αὐτοὺς,
 καὶ προσθήκην ἔχει κατηγορίας τῆς ἐσχάτης, εἰ δὴ τοιαῦτα ἀναισχυντοῦσιν
 ἃ μηδεὶς ἐτόλμησε πονηρὸς.

21. Ἄλλ' ἐνίοις οὕτως εὐλογος ἢ πρόφασις δοκεῖ, καὶ οὕτω σφόδρα
 τὴν ἀπολογίαν ταύτην ἐθαύμασαν, ὥστε τοὺς νόμους καταπατοῦντες, οὐχ
 ὅσον τοὺς πολιτικούς, ἀλλὰ καὶ τοὺς ἱεροὺς αὐτοὺς, ὅτι ταῦτα λέγειν ἔμα-
 5 θον καὶ μεμελετήκασιν, καταγελῶσι τῶν κατηγορῶν, εἴ τις θεοῦ καὶ νόμων
 μεμνημένος σέβειν κελεύει καὶ μὴ παρανομεῖν. ἔστι δὲ αὐτοῖς ἡ πρόφασις
 οὐ μόνον οὐδὲν πρὸς τὰς αἰτίας, ἀλλὰ καὶ ψευδής. οὐ γὰρ ἐν οἷς ἰσχυρίζονται
 χρῆσθαι καλῶς καὶ δεόντως ἃ κακῶς λαμβάνουσιν, ἀληθῆ λέγουσιν, ἀλλὰ
 κτώμενοι μὲν τοῦ δικαίου καὶ τοῦ νόμου, χρώμενοι δὲ τοῦ συμφέροντος
 ἀμαρτάνουσιν, οὐχ' ὅτι μὴ βούλονται τὸ δέον, φαίην ἂν, ἀλλ' ὡς οὐκ ἂν
 10 δυνηθεῖεν τὸν τρόπον τούτον καὶ σφόδρα βούλονται. — σοὶ δὲ οὐ δοκεῖ,
 φησι, τοῦ συμφέροντος τυγχάνειν, οὐδ' εἴ τις αὐτὸ τὸ κοινὸν ὠφελεῖ, ὑπὲρ
 οὗ καὶ νόμοι καὶ δίκαι καὶ δικαστήρια καὶ πάντα σπουδάζεται; φέρε γὰρ,
 ἂν ταυτὶ τὰ χρήματα μηδεὶς οἶκαδε κομίζῃ μηδ' ἀναλίσκῃ πρὸς τὴν αὐτοῦ
 χρείαν μηδὲν, μήτε τῶν ἱερῶν μήτε τῶν τοῖς φροντιστηρίοις ἀνακειμένων,

21,3 ἱερούς cf. Can.24 Conc. Chalc.; Can.12 Conc. Nic. Sec. et alii loci per-
 multi.

20,8 ^{οὐ}μηδεμιᾶς S

17 καὶ ἱερέας — μισθουμένους om. P

- 15 ἅπερ ἂν λάβοι, τείχος δὲ ἀπὸ τούτων ἀνορθούμενον ἴδοις καὶ πολεμίους
 φεύγοντας καὶ τρόπαιον ἐστὼς καὶ τὸ ἔθνος μυρίας ἀπολαῦον γαλήνης,
 Fol. 252^r ἔτι μέμψῃ καὶ περὶ τῶν αὐτῶν ἐγκαλέσεις; — ὅταν καὶ ταῦτα δυνηθῇς, οὐπω
 τὸ συμφέρον εἶδες, || ὅτι σοι τοῦ κέρδους ἢ ζημίας μείζων πολλῶ. καὶ γὰρ
 τὸ μέγιστον ὧν ἔχεις ἀπόλλυς, σπαντόν. ὅθεν τοῦ μὲν τείχους καὶ τῆς νίκης
 20 καὶ τῶν τοιούτων οὐδεὶς μέμψαιτ' ἂν, ὧν δὲ σπαντόν εἰργάσω, καὶ πάντ'
 ἂ γὰρ τὴν πόλιν ἀνέστησας ἀναλώσας, ταῦτ' ἐκτῆσω τοὺς νόμους ἡδικηκῶς
 ἀμφοτέρους, τὸν τε περὶ τῶν ἱερῶν κείμενον καὶ τὸν ἰδιωτικόν. ὅταν γὰρ
 τὰ τῶν φροντιστηρίων καὶ τᾶλλα τῶν ἱερῶν εἰς τὰς κοινὰς ἔλκης χρείας,
 κατ' ἀμφότερον ἀμαρτάνεις καὶ ἱεροσυλία τοῦτ' ἂν εἴη καὶ ἀδικία κατὰ
 25 ταῦτόν. τῶν γὰρ αὐτῶν τὸν θεόν τε ἐκβάλλεις καὶ ἀνθρώπους ἀποστερεῖς,
 ὡς ἂν ἐκείνῳ τε ἀνακειμένων καὶ τούτοις ὄντων οὐκοῦν τὸ κοινὸν ὠφελήσας
 ἐκείθεν, γεέννης ἐντεῦθεν ὑπόδικον εἰργάσω σπαντόν. οὐ γὰρ προστήσεταιί
 σου κατὰ τῶν ἐγκλημάτων τὸ δεῖξαι πολλοὺς ἀπὸ τῶν ἡμαρτημένων
 ὠφελημένους, ἀλλὰ καθάπερ ἐκείνων ἔνεκα κοινωφελῆς ἀκούοις ἂν καὶ
 30 δημοτικὸς, οὕτω δι' ἐκείνα βίαιός τις καὶ ἱερόσυλος καὶ παράνομος.
 22. Τὰ γὰρ ἔργα τοῦνομα τίθεται, καὶ τὸν ἐπιστάμενον γεωμετρεῖν τί
 ἂν καλέσαις ἢ γεωμέτρην; καὶ ὃς οἶδεν οἰκοδομεῖν, τοῦτον οἰκοδόμον καὶ
 οὐδὲν ἕτερον προσερούμεν. οὐ γὰρ εἰ τοῖς πονηροῖς χρηστὸν τι συνέπεσε,
 καὶ τις ἀπάνωτο τούτων ἢ πόλις ἢ τῶν καθ' ἕκαστα, βελτίῳ τὰ πονηρὰ μὴ
 5 γὰρ οἴου τὸ πονηρὸν ἦν τὸν πονηρὸν, εἴ τινος αἴτιον ἐγένετο χρηστοῦ, ἀλλ' εἴ
 τι καὶ συμβαίη τοιοῦτον, τὸ μὲν ἡγοῦ θεοῦ πρόνοιαν, χρηστότητος περιου-
 σία πρὸς τὸ συνοῖσον χρήσθαι καὶ τοῖς πονηροῖς δυναμένου, τὸ δὲ
 κακὸν, ἢ φησι ἢ τραγωδία, μὴ δὲ εἶναι πλὴν κακὸν, καὶ
 τοὺς τολμητὰς οὐδὲν μᾶλλον ταῦτα κωλύσαι τὰς ἀξίας ὑποσχεῖν δίκας.
 10 οὐ γὰρ τὰ ἀπὸ τῶν ἔργων ἐκβάντα ἀλλ' αὐτὰ τὰ ἔργα τὰς ψήφους ἡμῖν
 καλλίους ἢ χείρους ποιοῦσι. τούτων μὲν γὰρ ἡμεῖς κύριοι, ἐκείνων δὲ
 οὐκέτι. τὸ μὲν χρηματίσασθαι δικαίως ἢ τοῦναντίον ἡμέτερον, τὸ δ' εἰς
 τὸ ζητούμενον τέλος τελευτῆσαι τὴν πραγματείαν ἢ βλάψαι, τῆς θείας ἂν
 εἴη χειρὸς καὶ διὰ τοῦτο ἀποδώσεις, φησὶν, ἐκαστῷ κατὰ
 Fol. 252^v τὰ ἔργα αὐτοῦ. τίς οὐκ οἶδε || τὴν πλεονεξίαν τοῖς ἡδικημένοις
 ὡς ἀγαθῶν ἐστὶν αἰτία μειζόνων, ἢ ὧν ἀπεστέρηται, τοῦ θεοῦ παρέχοντος;
 ἀλλ' οὐχ ἡ κόλασις ἐστὶ διὰ τοῦτο τοῖς ἡδικηκόσιν ἐλάττων. οἱ δὲ ἄδικοι
 τῶν μαρτύρων θάνατοι πηλίκων σωρὸν ἡμῖν εἰσήνεγκαν ἀγαθῶν; ἀλλ' οὐ
 τοῖς κατασφάξασιν αὐτοὺς εἰσόμεθα χάριν. ἔστι καὶ γάμων ἀθεμίτων
 20 παῖδα γενέσθαι χρηστὸν, ἀλλὰ τοὺς παρανομοῦντας οἱ νόμοι κολάζουσιν,
 ὥσπερ εἰ μὴδὲν ἐξέβη τοιοῦτον. ὁ δὲ τοῦ Σαοῦλ φόνος οὐ μυρίους ἀδίκους

22,8 cf. Eurip. *Hec.* 596.

14 Ps.61(62):13.

21 Σαοῦλ φόνος cf. I Reg.31 — II Reg.1.

21,19 τῆς μὲν νίκης καὶ τοῦ τείχους S

24 κατ' ἀμφότερον] καὶ ἀμφότερον PS: κατ' S^{ms} add. manus recentissima, cuius coniecturam sequor

22,9 κωλύσαι PS

ἔπαυσε φόνους, οὐ τοὺς πολέμους τοὺς ὁμοφύλους, οὐ κατέστησε τοῖς Ἑβραίοις τὰ πράγματα, τὸν ἄριστον ἀντὶ τοῦ πονηροτάτου βασιλέως εἰσενεγκὼν τὸν Δαυὶδ, οὐ τοῖς ἱερεῦσι τὴν παρῤῥησίαν, οὐ τοῖς τοῦ θεοῦ νόμοις ἀπέδωκε τὴν ἰσχὺν, οὐ τῇ πόλει τὴν εὐνομίαν, οὐ τὸ ἔθνος ἀνθεῖν ἐποίησεν ἅπαν· ἀρ' οὖν ἐδυνήθη τοσοῦτων ἀγαθῶν πλήθος καὶ μέγεθος ἐξελεσθαι τὸν εἰργασμένον; οὐδαμῶς, ἀλλ' ἀνδροφόνος ἦν ἐκείνος ὁμοίως καὶ πονηρὸς παρὰ δικασταῖς τοῖς τοσαῦτα ἀπολελαυκόσι τοῦ φόνου, καὶ ἀπέθνησκε διπλὴν αἰτίαν λαβὼν, αὐτόν τε φόνον καὶ ὅτι βασιλεὺς ὁ τὴν
 30 πλῆγην δεξάμενος ἦν. μὴ τοίνυν ἀπὸ τῶν ἐκβάντων περὶ τῶν πεπραγμένων ψηφίζου, μὴδ' ἡγοῦ διαφεύξεσθαι τὰς δίκας ὧν παρανομήσας ὠφελῆσαι πολλοὺς ἐδυνήθης, ἀλλ' ἐκείνους μὲν εὖ πεπονθέναι, αὐτὸς δὲ ἀπολωλέναι, καὶ τοὺς μὲν ἀπαλλάξαι κακῶν, σπαντὸν δ' εἰς γέενναν ἐμβαλεῖν. πῶς οὖν οὐκ ἄτοπον καὶ καταγέλαστον, ἄλλοις μὲν φρόνιμον γενέσθαι καὶ κηδε-
 35 μονικὸν, τὰ δὲ εἰς ἑαυτὸν καὶ τὸν θεὸν παράνομόν τινα καὶ ἀνόητον καὶ ἀνόσιον εἶναι καὶ πονηρὸν;

23. Καίτοι οὐδὲ τοῦτο δεῖξαι δύναιτ' ἂν ὡς ἔστι τι ταῖς πόλεσιν αὐτῶν ὄφελος, ἀλλὰ μάτην φθείρονται καὶ παρανομοῦσιν εἰκῇ· τὸ μὲν γὰρ τὰς αὐτῶν πλεονεξίας καὶ ἀδικίας, ὥσπερ καὶ φόνους ἐτέρων καὶ κλοπὰς καὶ τὰς ἄλλας τῶν πονηριῶν, εἰς ἀγαθόν τι τὸν θεὸν ἄγειν ἢ πρόσθεν
 5 ἔφην ὃν αὐτὸς ἐπίσταται τρόπον πιστεύειν χρή καὶ οὐδεὶς ἀντερεῖ, τὸ δὲ τὴν σπουδαζομένην ὠφέλειαν καὶ τὸ συμφέρον ταῖς πόλεσι καὶ τὰς εὐπραγίας ἀπὸ τούτων αὐτοὺς || μηχανᾶσθαι δυνήσθαι, τῶν ἀδυνάτων. οὔτε γὰρ αὐτοὺς εἰκὸς πόλεως προστήναι καλῶς τὰ αὐτῶν διωκτικότητας κακῶς, ὁ γὰρ τοῦ ἰδίου οἴκου, φησὶ, μὴ καλῶς προϋστάμενος
 10 πῶς ἐκκλησίας θεοῦ προστήσεται, τὴν τε γραφὴν πιστευτέον ἀληθῆ λέγειν, καὶ τὴν μὲν δικαιοσύνην ὑψοῦν ἔθνη τὴν δὲ ἀδικίαν τούναντίον ἅπαν, ἀπὸ μεγάλων μικρὰ ποιεῖν. ἀλλ' ἐξήπατησεν αὐτοὺς, οἶμαι, τό γ' ἐκ τοῦ παραχρήμα δοκεῖν ὠφελεῖν, ὅτι ὅπλα κτῶνται καὶ τείχη οἰκοδομοῦσι καὶ στρατιώτας τρέφουσιν, ὃ πᾶσι συμβαί-
 15 νει τοῖς πονηροῖς. οὐ γὰρ αὐτὴν ἔλοιτ' ἂν οὐδεὶς ἀσκήσαι τὴν πονηρίαν, οὐτ' ἔχουσιν οὐδὲν ἡδὺ τοῖς χρωμένοις καὶ πολλῶν αἰτίαν οὖσαν κακῶν, ἀλλ' ἔστι τι δοκοῦν αὐτῇ παρακολουθοῦν ὄφελος, ὃ τῶν ἐκείθεν δυσχερῶν λήθην ἐργάζεται τοῖς τολμῶσι· καθάπερ λησταῖς καὶ τοιχωρύχοις τὸ κέρδος καὶ τυράννοις τρυφὴ καὶ ὕβρις καὶ ἀρχὴ καὶ ὅ,τι ζητοῦσι, τὸν ἴσον
 20 τρόπον καὶ τοῖς ἐπὶ τῶν πραγμάτων ἔπεσθαί τι τῶν ὠφελεῖν τὸ κοινὸν δοκούντων ἀπὸ τοῦ παρανομεῖν οὐδὲν ἀπεικὸς. ἐπεὶ καὶ τούναντίον, ἱατροῖς καὶ νομοθέταις καὶ κυβερνήταις καὶ βουλευταῖς τὰ αὐτῶν ποιοῦσιν ἴδοις ἂν ἐπομένην αὐτίκα βλάβην· καὶ γὰρ ἱατρὸς ἰσχύος † ἀφαιρεῖ τοῦ σώματος ἢ τροφῆς ἀποκλείων ἢ φαρμακεύων ἐφ' ᾧ καθαρωτέραν ἐνθήσει, καὶ κυβε-

23,4 πρόσθεν cf. 22,6.

9 cf. I Tim.3:5.

11 cf. Ps.88(89):17; 144(145):7.

15 οὐ γὰρ — 16 κακῶν Platonem redolent.

23,23 ἰσχύος ἀφαιρ τοῦ σώματος S: fortasse ἰσχύος ἀφαιρεῖ <τὰ> τοῦ σώματος malim ἰσχύος ἀφαιρεῖ(ται) τὸ σῶμα

25 ρνήτης τοὺς ἐμπλέοντας ζημιοὶ χρήμασιν ἐκβάλλων τῶν ἀγωγίμων, καὶ
 βουλευτῆς τείχη κατασκάπτει πόλεως ἣν οἰκοδομεῖν αἰρεῖται, καὶ νομο-
 θέτης ξίφος γυμνώσας ἐλάττω πεποίηκε δῆμον, ὃν ὅπως αὐξή τοὺς νόμους
 ἔγραψεν. ἀλλ' οὔτε τούτους διὰ ταυτηνὶ τὴν βλάβην ὀλέθρους τινὰς, ἀλλὰ
 σωτήρας χρή προσειπεῖν, οὔτε τὸν ἀπὸ τοῦ παρανομεῖν ὦν δεῖ τῷ κοινῷ
 30 καὶ τῇ πόλει κατασκευάζοντα δημοτικὸν ἡγήσόμεθα καὶ χρηστὸν. εἰ γὰρ
 τὰς λυσιτελεῖς τῶν πράξεων ἢ τῶν τεχνῶν, ἢ τῶν ἀνδρῶν τοὺς ὀρθῶς κρίνειν
 τὸ συμφέρον ἐπισταμένους, ἀπὸ τοιούτων κερδῶν εἰσόμεθα καὶ κρινοῦμεν,
 οὐδὲν ἂν κωλύοι τὰ πάντων ἀτοπώτατα συγχωρεῖν, καὶ φαρμακὸν καὶ ἐπαι-
 5 δὸν καὶ συκοφάντην γεωργοῖς καὶ δημιουργοῖς καὶ τοῖς ἐπὶ τῶν σεμνῶν
 ἐπιτηδευμάτων τῶν αὐτῶν ἀξιώσαι ψήφων, ὅτι ταῦτα κερδαίνειν || δύναται,
 καὶ γυναικας τρέφουσιν ὁμοίως καὶ παῖδας, καὶ ἱμάτιον αὐτοῖς ἀπὸ τῆς
 μοχθηρίας γίνεται καὶ σιτίον καὶ οἶκημα καὶ ἵππος καὶ οἰκέτης, οὐδὲν ἦττον,
 ἢ παρὰ τῶν τεχνῶν ἐκείνοις ἐστίν.

Fol. 253^v

24. Ἄλλ' ὥσπερ τοὺς μιαροὺς τούτους, ὅτι σφᾶς αὐτοὺς ἀπολλύντες
 ὦν δέονται πρὸς τὸν βίον εὐποροῦσιν, ὡς τὸ συμφέρον εὔρον καλῶς
 ἑαυτοῖς καὶ ταῖς οἰκίαις οὐδ' ἂν εἰς εἴποι, τὸν ἴσον τρόπον οὐδὲ τὸν ἄρχοντα
 κρινοῦμεν ἀπὸ τῶν νεῶν καὶ τῶν ναυτῶν καὶ τῶν ὀπλιτῶν ὡς εἴη καλῶς
 5 καὶ δεόντως βεβουλευμένους, ἀλλ' εἰ μὲν σφῶν ἑαυτῷ τὴν τῶν ἀρχομένων
 εὖνοιαν καὶ τῇ πόλει τὴν εὐνομίαν καὶ τοῖς νόμοις τὴν αἰδῶ καὶ τοῖς
 ἱεροῖς ἅπασι τοιαῦτα ἐδυνήθη, φρόνιμος ἂν εἴη καὶ εὐβουλος καὶ τὰ πολι-
 τικὰ τεχνίτης· εἰ δ' ὑπερβὰς τοὺς νόμους καὶ τὴν τάξιν ἀτιμάσας καὶ
 τὴν ἐλευθερίαν προδεδωκὼς ὦν ἡγείται, καὶ ἑαυτὸν καταισχύνας καὶ μιση-
 10 θεὶς ὑφ' ὧν ἔδει φιλεῖσθαι ναὺς ἐκτήσατο καὶ ὅπλα καὶ στρατιώτας, καὶ
 ὑπὲρ ὧν ἔδει ναυμαχεῖν καὶ πεζομαχεῖν καὶ τᾶλλα πονεῖν, ἐκεῖνα προέμενος
 καὶ διαφθείρας, ταῦτ' ἔχει, καὶ τὸ συνάλλαγμα τοῦτο κέρδος ἡγείται, πῶς
 οὐ παραπαίει καὶ δῆλός ἐστι μὴ ὅτι τῶν κοινῇ δεόντων οὐδὲν εἰδὼς, ἀλλ'
 οὐδ' ἑαυτὸν καὶ ὅ,τι ποτέ ἐστιν αὐτῷ τὸ τῆς ἀρχῆς σχῆμα; οὐ γὰρ δὴ
 15 ταῦτα νομιστέον ἀρχόντων ἔργον ὑπὲρ ὧν δεῖ καὶ τῶν ἄλλων αὐτοῖς
 μέλειν ἀπάντων, χρήματα καὶ τριήρεις καὶ στρατόπεδα· ἐπεὶ τί διοίσουσι
 τῶν τυράννων, οἷς οὐδὲν πρὸ τῶν ὅπλων, οἱ καὶ νόμους καὶ δίκαια καὶ
 ἱερὰ καὶ πάντα δαπανῶσιν ἵν' ἀπὸ τῶν ὅπλων ἰσχύσωσιν; ἀλλ' οἱ χρηστοὶ
 τῶν ἀρχόντων καὶ τοῦνομα μὴ ψευδόμενοι τοῦτο, τοῦναντίον, ἵνα φυλάξωσι
 20 νόμους καὶ τὴν ἀνθρώπων πρέπουσαν τοῖς ἀρχομένοις ἐλευθερίαν, τὴν
 δύναμιν ἐκείνην ζητοῦσι.

Fol. 254^r

25. Καὶ τούτῳ χείρων τῆς ἀρίστης πολιτείας ἢ τυραννὶς· οἱ μὲν γὰρ
 ὑπὲρ τοῦ μὴ λυθῆναι τοὺς νόμους καὶ τὴν ἐλευθερίαν καθυβρισθῆναι τὰ
 ὅπλα τιμῶσιν, οἱ δ' ἀπὸ τοῦ παρανομεῖν καὶ δουλοῦσθαι τοὺς ἀρχομένους
 ὀπλίζονται. τοῖς μὲν γὰρ τῶν ὑπηκόων || ὅπως εὖ πράττουσιν οὐδεὶς λόγος,
 5 ἀλλ' ἐν ταῖς περὶ αὐτῶν φροντίσιν τὰ ἑαυτῶν πράττουσι καὶ πρὸς τὴν
 σφετέραν ἀσφάλειαν καὶ τὰς ἡδονὰς αὐτοῖς τε καὶ τοῖς αὐτῶν ἅπασι
 χρώνται, οἱ δ' ὅπως εὖ ποιήσαιεν ὧν ἄρχουσιν ἑαυτοὺς κατατείνουσι καὶ

25,4 τοῖς — 9 νόμους cf. Basil. Magn. *Eis τὴν ἀρχὴν παροιμιῶν* (Migne XXXI, 389B); Maxim. Conf. *Loci comm.* 9 (Migne XLI, 775C).

23,32 τὸ συμφέρον om. P

ταλαιπωρούνται καὶ πονοῦσιν ἀφ' ὧν ὠφελεῖν δυνήσονται, πάντα τολμῶντες διὰ ταῦτα, μέγιστον ὑπὲρ αὐτῶν εἰδότες τὰ δίκαια καὶ τοὺς νόμους. ἐκείνοι
 10 μὲν πολλὴν εὐήθειαν τῶν θέντων καταγνόντες περιορώσιν, οἱ δὲ πᾶσαν ὑπὲρ αὐτῶν ἐπιδείκνυνται σπουδὴν, ὥς οὐκ ἔξδον ἄλλως συνεστάναι τὴν ἀρχὴν καὶ σφύζεσθαι τοὺς ἀρχομένους ἢ τοῦτον ἀγομένους τὸν τρόπον. πρῶτον μὲν γὰρ ἐν τούτῳ δύναιντ' ἂν ὅπερ εἰσὶν ὡς ἀληθῶς εἶναι καὶ μὴ πρὸς τὸν τῶν βοσκημάτων ἐκπίπτειν βίον, ἀλλὰ μένειν ἀνθρώπους ὄντας,
 15 λόγου προεδρία καὶ γνώμης αὐτονομία χρωμένους καλῶς, ἃ ποιεῖ τὸν ἀνθρώπον· τῶν γὰρ οὕτω ζώντων οὔτε ἡδίκησε τὸν πέλας οὐδείς οὐδ' ἄλλο τι πονηρὸν ἐτόλμησεν ἀδίκῃ πάθει δουλεύων, τῶν νόμων εἰργόντων, ὅπερ ἐστὶ ζῆν κατὰ λόγον, οὗτ' ἡδίκηται καὶ βίαιον ἔπαθεν οὐδὲν, ὅπερ ἐστὶν ἐλεύθερον εἶναι.

26. Ἐπειτα πῶς καὶ συσταίῃ πολιτεία τὴν ἀρχὴν, καθ' ἣν οὐ μετ' ἐλευθερίας ἐξέσται ζῆν, ἥς οὐδὲν ἀνθρώποις ἴσον οὐδ' ὁμότιμον, κἂν χρυσὸν εἴπῃς κἂν πλέθρα γῆς κἂν τὰς ἐσχάτας τιμάς; ἀνάγκη γὰρ τὸν τοιαύτην ἀννηρημένον ἀρχὴν ἢ πάντας καθεύρξαντα τηρεῖν καὶ πολιορκεῖν
 5 καθάπερ πολεμίους τοὺς ὑπὸ χεῖρα, ἢ μικρὸν ἀνιέντα πᾶσαν ἀθρόον ἀπολέσαι τὴν ἀρχὴν, πάντων τὴν δουλείαν ἐκτρεπομένων. εἰ δὲ καὶ μενοῦσιν εἰργόμενοι, τί χρήσιμοι γένοιντ' ἂν ἢ αὐτοῖς ἢ σφίσιν αὐτοῖς ἢ τῷ κοινῷ; εἰ γὰρ μηδεὶς ἔσται τῶν αὐτοῦ κύριος, ἀλλ' ἐκκείσεται τοῖς ἀρχουσι χρῆσθαι ὅ,τι βούλονται, κἂν τοῦ κοινού μόνον ἐκείνοι μνησθῶσιν, εὐθὺς
 10 δεήσει πάντας περὶ τῶν ὄντων δεδιέναι καὶ τρέμειν, τίς ὑπὲρ τοῦ κτήσασθαι χρυσίον πονήσει, τίς δημιουργὸς τίς γεωργὸς τίς ἔμπορος, εἰδὼς, ὡς ἄλλοις πάντα ἐργάσεται; πῶς δὲ καὶ σοφίαν τις ἀσκήσει πενία συζῶν ἢ
 Fol. 254^v τακτικὰ μελετήσει καὶ νόμους εἴσεται καὶ στρατηγίας || μαθήσεται θεσμούς; πόθεν δὲ καὶ αἱ κοινὰ πρόσδοι, πανταχοῦ πενίας κρατούσης;
 15 διὰ ταῦτα τοῖς νοῦν ἔχουσι τῶν ἀρχόντων ἔργον ἐνομίσθη μετὰ τοῦ δικαίου τὴν ἐλευθερίαν τοῖς ἀρχομένοις φυλάττειν καὶ ἵνα μηδὲν ἐμποδῶν ἢ πρὸς ταύτην ταῖς πόλεσιν, οὔτε οἴκοθεν καὶ παρ' ἐαυτῶν, οὔτε παρὰ τῶν ἑξωθεν ἐνοχλούντων, ἀμφοτέρων ἐφρόντισαν τῶν καιρῶν, τοῦ πολέμου καὶ τῆς εἰρήνης, καὶ πρὸς μὲν τοὺς πολεμίους τείχη καὶ ὅπλα, πρὸς
 20 δὲ τοὺς οἰκείους δικαστὰς καὶ νόμους ἐξεύρον. πῶς οὖν οὐκ ἄτοπον καὶ σκαιὸν, οὗς ἵνα μηδὲν ἢ παράνομον καὶ βίαιον ὀπλίζεσθαι δεῖ καὶ τᾶλλα παρασκευάζεσθαι, τούτους ἀπὸ τοῦ παρανομεῖν καὶ βιάζεσθαι τοὺς ἀρχομένους ὀπλίζεσθαι;

27. Παρὰ πάντα δὲ ταῦτα πρὸς τὰ πράγματα συγκεχωρήσθω δύνασθαι τι καὶ τὸν θεὸν, καὶ μὴ πάντα τῆς ἡμετέρας ἐξηρτῆσθαι σοφίας, ἀλλ' εἶναί τι ταῖς πόλεσι καὶ παρὰ τῆς ἐκείνου προνοίας, ὥστε συνεστάναι μὲν καὶ καλῶς ἔχειν οἷς ἐστὶν εὖνους, διαφθείρεσθαι δὲ οἷς ἀπεχθάνεται. εἰ
 5 δὴ τοῦτο πιστεύεις, πῶς ἀδικῶν καὶ ἱεροσυλῶν ὠφελεῖν νομίζεις τὰς πόλεις, εἰ μὴ τῆς γνώμης τὸν θεὸν ἡγῇ κοινωνόν, καὶ, ὃ φησιν ὁ προφήτης, ὑπέλαβες ἀνομίαν; ἀκούεις τὸν Ἀνανίαν, ἃ τῶν ἱερῶν ἀπέλαυσε· τὸν Χαρμῆ· τὸν Ἡλεὶ· τοὺς ἐκείνου παῖδας· μὴ πάντα ἐκείνα μῦθος; ἢ

27,7 Ps. 49(50):21.

7 τὸν Ἀνανίαν — 8 παῖδας cf. Acta Ap.5:1–5; Jes.Nav.7; I Sam.2–4.

ψήφου κύριος καὶ νῦν οὐκ αὐτός ἐστιν ὁ τότε περὶ τῶν ἱερῶν ἐκείνοις
 10 δικάσας; ἢ μετέγνωκεν, ἐφ' οἷς ἐκείνων κατακεχειροτόνηκε τῶν ἀνδρῶν; ἢ
 τῶν μὲν κατέγνω θάνατον, σὲ δὲ θαυμάσει καὶ ἐπαινέσει τῶν αὐτῶν ὑπεύ-
 θυνον ὄντα; τούτων οὐδὲν ἂν εἴποι τις, εἰ μὴ μαίνεται. ὅταν δὲ τὸ τοῦ Σωτῆ-
 ρος ἐνθυμηθῶ, ὅτι τῶν ἄλλων ἀπάντων ἀμαρτημάτων λόγοις ἀπάγων, τοῖς
 τὸ ἱερὸν ἀδικήσασιν οὐ παρήνευσεν οὐδ' ἠλεγξε μόνον, ἀλλὰ καὶ ἐπήλθεν
 15 ὀργῇ, καὶ ἐπιπεσὼν καὶ μαστίξας ἐξέβαλε τοῦ τεμένους, ἐκείνο φημὶ χρήναι
 Fol. 255^r πιστεύειν, θαυμαστήν τινα δίκην τοῖς ἱεροσύλοις ἀποκείσθαι, καὶ οἷα ||
 τῶν ποιηρῶν οὐδενί. τοῦτο καὶ ἐπὶ τοῦ Χαρμῆ σημᾶναι βουλόμενος,
 ἤμαρτεν ὁ λαὸς, φησιν, ἀμαρτίαν μεγάλην, τὴν ἱεροσυλίαν
 οὕτω καλῶν.

28. Ἔστι τοίνυν ὑπὸ τοῦ θεοῦ μισούμενον ἀπολαῦσαί τι χρηστὸν τῶν
 αὐτῶν τούτων πραγμάτων, δι' ᾧ μισεῖται καὶ πολεμεῖται, ἢ τῶν ἰδίων
 ἔνεκα ἢ τῆς πολιτείας; καὶ τίς ἂν εἴποι; τοὺς δὲ πλεονέκτας οὐκ ἐπὶ τοῦ
 μέλλοντος μόνον ἀνάγκη δυστυχεῖν, ἀλλὰ καὶ πρὸς τὴν παρούσαν χρεῖαν,
 5 ὑπὲρ ἧς αἰροῦνται παρανομεῖν, ματαίαν αὐτοῖς ὁ Χριστὸς εἶναί φησι τὴν
 σπουδὴν· ὁρᾶτε γάρ, φησι, καὶ φυλάσσεσθε ἀπὸ τῆς πλε-
 ονεξίας, ὅτι οὐκ ἐν τῷ περισσεύειν τινὶ ἢ ζῶῃ αὐτοῦ
 ἐστιν ἐκ τῶν ὑπαρχόντων αὐτῷ. ταῦτα οὐκ ἐν διαπεσεῖν
 οὐδ' εἰρήσθαι μάτην, οὐδὲ ἐψεῦσθαι τὰς τῆς ἀληθείας προρρήσεις, ἀλλὰ
 10 ἀνάγκη πᾶσα μηδένα πλεονέκτην καὶ πονηρὸν ἄνθρωπον διὰ τὴν ἀδικίαν
 καὶ τὴν πλεονεξίαν ἀμείνονος τυχεῖν τῆς ζωῆς, ταύτης δὲ τῆς παρουσίας, ἢ
 μακροτέρας, οὐκ ἰδιώτην μόνον, ἀλλὰ καὶ ἄρχοντα· καὶ ὥσπερ οὐδένα
 ἄνδρα, οὕτως οὐδ' οἰκίαν ὀλόκληρον, οὐ πόλιν, οὐκ ἔθνος ἅπαν· ὁ
 οὐρανὸς γάρ, φησι, καὶ ἡ γῆ παρελεύσεται, οἱ δὲ λόγοι
 15 μου οὐ μὴ παρέλθωσιν. οὕκουν ἅπας στρατιώτης καὶ πᾶσα
 ναὺς καὶ πᾶν ὄπλον ταῖς πόλεσιν ὄφελος ἔχει, ἀλλ' ὅσα ἐκ τῶν δικαίων
 καὶ ὧν οὐδεὶς ἐμέμψατο τοῖς κτησαμένοις οὐδ' ἐπηράσατο καὶ θεὸν ἐμαρτύ-
 ρατο καὶ δίκας ἐκάλεσε τιμωρούς. τὰ δ' οὕτω κτηθέντα κακῶς, καὶ ὧν
 ἡγήσατο παρανομία καὶ ἱεροσυλία καὶ δάκρυα μηδὲν ἡδικηκότων ἀνθρώ-
 20 πων, τίς οὕτως ἀσύνετος καὶ θείων καὶ ἀνθρωπίνων ἀνόητος, ὥστε νομίσαι
 λυσιτελεῖν ἢ μικρὰ λυμαίνεσθαι τοῖς χρωμένοις;

29. Ὅτε τοίνυν οὔτε τὸ κοινὸν ὠφελεῖς οὐδὲν, καὶ σπαντὸν ἀπόλλυς
 ἀνθ' ὅτου πονηρὸς εἶ, καὶ τοὺς τοῦ θεοῦ καταπατεῖς νόμους, οὓς μετὰ
 τοσαύτης εἰσήμεγε σπουδῆς καὶ πανταχόθεν συνεκρότησε καὶ ἐκύρωσεν,
 οὐ μετὰ ἀνθρώπων γενόμενος μόνον, ἀλλὰ καὶ πρὶν εἰς τὴν γῆν κατελθεῖν,
 5 οὐκ οἶσθ' ὅσης ἐστὶ τὸ πρᾶγμα τόλμης; οὐ συνορᾷς τί μὲν τὸ σὸν, τί

27,12 τοῦ Σωτῆρος — 15 τεμένους cf. Joh. 2:14–16.

18 Jes.Nav.7:11, *ubi* ἡμάρτηκεν ὁ λαὸς *solum legitur*; *sed* cf. Ex.32:31.

28,6 Luc.12:15.

14 Mat.24:35.

28,14 λόγοι — 15 παρέλθωσιν] λόγοι συμπαρέλθωσιν P: λόγοι^{μου} ὀυμπαρέλθωσιν P¹
 e corr.

18 καὶ ὧν] ὧν S

Fol. 255^v

δ' ἐκεῖνος καθ' οὗ νομοθετεῖς; εἰ καὶ σοὶ δικάζοντι || καθάπερ τῷ Πιλάτῳ
 τότε παριστάμενον εἶδες, ὡς ἂν ὑφέξοντα λόγον, ἄρ' ἂν ἤνεγκας τὴν θέαν;
 οὐ κατέδυσ, οὐκ ἂν ἐπεθύμησας αὐτίκα διαστήναι σοὶ τὴν γῆν; τί οὖν τὰ
 ἴσα τολμᾷς; καὶ γὰρ εἰς εὐθύνας ἄγεις καὶ δοκιμάζεις τοὺς νόμους καὶ
 10 κρίνεις αὐτὸν περὶ τῶν μαθητῶν αὐτοῦ καὶ περὶ τῆς
 διδασχῆς αὐτοῦ, φησι, καθάπερ ἐκεῖνος, καὶ καταψηφίσθη μὲν ὧν
 ἐκεῖνος ἔθηκεν ἀχρηστίαν, ἀντεισάγεις δὲ τὰ δοκοῦντα. καὶ οὐδεὶς ἐνταῦθα
 μαρτύρεται τὸν οὐρανὸν οὐδὲ προσδοκᾷ σκηπτοὺς οὐδὲ ἄγγελον αὐτίκα
 15 μάλα, καθάπερ τὸν Ἡρώδην τότε, τοὺς καταφρονητὰς μετιόντα. καίτοι
 πολλῷ γε χεῖρῳ τῶν ἐκείνῳ τετολμημένων τὰ σὰ· ὁ μὲν γὰρ ἐπελάθετο τοῦ
 θεοῦ, σὺ δὲ μνημονεύεις ἐφ' ὕβρει· καὶ ὁ μὲν οὐκ ἐδόξασε, σὺ δὲ ἡτίμωκας·
 κακεῖνος μὲν, εἰ καὶ πρὸς τὴν τοῦ δήμου βοήν δέον οὐκ ἠγανάκτησεν
 οὐδ' ἀπεπήδησεν οὐδ' εἶπεν ὅσον αὐτοῦ θεοῦ τε τὸ μέσον, ἀλλὰ καθήστο
 τὴν ψῆφον δεχόμενος, ὡς δὴ τῶν προσηκόντων τυγχάνων, τῷ γε σεμνὸν
 20 ἡγήσασθαι καὶ κόσμιον ἑαυτῷ τὴν αὐτοῦ φωνὴν οὐκ ἀνθρώπου θεοῦ δὲ
 νομισθῆναι φωνήν, τὰ τοῦ θεοῦ τῶν ἀνθρωπίνων προϋτίθει, καὶ τὸν θεὸν
 ἐτίμα τοῦτο τὸ μέρος· σὺ δὲ, δι' ὧν τοὺς τοῦ θεοῦ νόμους ἐκβάλλων τοὺς
 σταντοῦ κυροῖς, τῆς τοῦ θεοῦ φωνῆς ἀνθρώπου φωνὴν προτέραν ἡγούμενος
 δηλὸς εἶ, καὶ νομίζεις οὐδὲν ἁμαρτάνειν, ὅτι μὴ τὰς δίκας αὐτίκα δίδως,
 25 μηδὲ πάρεστιν ὁ λαμβάνων μηδὲ τράπεζαν σκωλήκων τὸ σῶμα ὀρᾷς,
 ἀγνοῶν ὡς ἔστι καὶ γένος ἄλλο σκωλήκων ἀποκείμενον τῶν παρανόμων
 τοῖς ἐκείνῳ διαφυγούσι.

30. Σὺ δὲ, καὶ εἰ μηδὲν ἀπήντα τοῖς τετολμημένοις δεινὸν, πάσης
 γέεννης καὶ σκότους καὶ τῶν ἐσχάτων κακῶν τὴν τόλμαν αὐτὴν εἰκότως
 ἂν ἡγοῦ δεινότεραν. σκέψαι γὰρ, ὅσης ἐστὶ κακοδαιμονίας ἀνθρωπον
 οὕτως ἀρθῆναι καὶ φυσηθῆναι καὶ τὴν κοινὴν ἀγνοῆσαι φύσιν, ὥσθ'
 5 ὅτι παρὰ τῶν ὁμοφύλων ἀρχῶν ἤκουσεν, αὐτῷ περὶ τῆς δικαιοσύνης καὶ
 τῆς ἀρχῆς τῶν ἀνθρωπίνων ἀμφισβητεῖν τῷ θεῷ, μᾶλλον δὲ φανερώς
 Fol. 256^r ἐπανίστασθαι καὶ τῶν πραγμάτων || ἐκβάλλειν τό γ' ἐπ' αὐτῷ. καὶ οὐ
 γράψῃ τὸν λόγον ὑπερβολῆς· τὸ γὰρ λύειν τοὺς νόμους, αὐτόν ἐστι
 παύειν τῆς ἀρχῆς τὸν θέντα τοὺς νόμους. καὶ ἵνα μάθης, παρελθέτω τις
 10 εἰς πόλιν ἣν ἄγεις καὶ τὰ μὲν ἄλλα τιμάτω καὶ σεβέτω καὶ πᾶσαν ἐπιδει-
 κνύσθω περὶ σὲ τὴν αἰδῶ, τῶν μέντοι πολιτῶν ἕατω μηδένα τῶν ὑπὸ σοῦ
 προσταττομένων φροντίζειν, μηδ' εἰς ἔργον ἄγειν μηδὲν, μηδ' οἷς αὐτὸς
 ἐπέτρεψας τὰ τῆς πόλεως τὰ δοκοῦντα συγχωρεῖτω περαίνειν, ἀλλ' οἷς
 αὐτὸς τίθεται καὶ ἃ νομίζει, τούτοις τὸν δήμον παρασκευαζέτω προσέχειν
 15 τὸν νοῦν· λέγοις ἄν, εἴ τι σοὶ τῆς ἀρχῆς ὑπελείφθη; ἀλλ' οὐκ ἂν εὖροις,
 ὑπήκοος γὰρ ἡ πόλις οὐκέτι. ταῦτα δὴ ταῦτα καὶ σὺ ποιῶν, τὸν θεὸν τῆς
 ἀρχῆς ἀποστερεῖς. ἔστι μὲν γὰρ, ὅτι πάντων αἴτιος, ἀπάντων δεσπότης·
 ἔστι δὲ καὶ τρόπον ἕτερον, καθ' ὃν καὶ ἀνθρώπων ἀνθρωπος ἄρχει, διὰ
 τοὺς νόμους, ὅτι τὰ δοκοῦντα μηνύσας, τὰ μὲν δι' ἑαυτοῦ καὶ τῶν μαθητῶν,

29,10 cf. Joh.18:19.

14 τὸν Ἡρώδην — 25 ὀρᾷς cf. Acta Ap.12:21–23; Joseph.Flav. Ant.Iud. XIX, 343–348; Euseb. Hist. Eccl. II,10.

29,26 καὶ ἄλλο γένος P

- 20 τὰ δὲ διὰ τῶν ἐκείνους ἐκδεξαμένων, ὑπακούοντας ἔχει καὶ πειθόμενους
τοὺς ἐπεγνωκότας αὐτοῦ τὴν ἰσχύν. τὴν μὲν οὖν πρώτην ἀρχὴν, καὶ πάντα
γένη καὶ πάντα τολμήσης, οὐκ ἂν ἀνέλοις, οὐ γὰρ ἔστιν ὅπως οὐκ ἔσται
τῶν ὄντων αὐτὸς ποιητὴς καὶ νεύματι τὸ πᾶν ἄγων· τὴν δὲ δευτέραν, ἀφ'
ἡμῶν συνισταμένην, καὶ πάνν. ἡγοῦ δὲ μὴ κουφότερον ἀμαρτάνειν, ταύτην
25 ἀναιρῶν, ἢ τὴν ἐτέραν, καὶ τοὺς νόμους λύων, ἢ τὴν δημιουργίαν ἐπέχων,
εἰ σοὶ τοῦτο ἐξῆν· μηδὲ γὰρ παρὰ τῷ θεῷ ταύτην ἐκείνης ἐλάττονος εἶναι
λόγου, ἀλλ' εἴ τις ἀκριβῶς σκοποίη, ποτέραν βούλεται μᾶλλον, τὴν
δευτέραν εὐρήσει, καθ' ὅσον ταύτης ἔνεκα τὴν πρώτην ἐζήτησε, καὶ ἵνα
τῆς ἀνθρώπου γνώμης κρατήσῃ καὶ ἡ βούλεται πείσῃ καὶ τὴν προαίρεσιν
30 παραστήσῃται, τὸν οὐρανὸν ἐποίησε καὶ τὸ ὁρώμενον ἅπαν καὶ τοῦτον
αὐτὸν τὸν ἄνθρωπον, καὶ αὐτὸς τοῦτου χάριν ἄνθρωπος ἦν καὶ πληγῆναι
καὶ ἀποθανεῖν ἐδέξατο καὶ τῶν ἄλλων μετέσχε τῶν ἀνθρωπίνων, ἵνα
τούτους ἐν τῇ γῇ δυνηθῇ φυτεῦσαι τοὺς νόμους, καὶ ὁ κόσμος ἅπας ὥσπερ
δημιουργὸν οὕτω καὶ μόνον ἔχῃ νομοθέτην αὐτὸν. τοῦτο τοὺς ἀποστόλους
35 εἰς τὴν οἰκουμένην ἤγαγε πᾶσαν, καὶ τοὺς πόνους αὐτοῖς καὶ τοὺς συνεχεῖς
θανάτους ἠδεῖς ἐποίησεν· οὐ γὰρ || ὑπὲρ δογμάτων ἡγωνίζοντο μόνον,
ἀλλ' οὐδὲν ἦττον καὶ βίου σῶφρονος, ὥς οὐδὲν ὄφελος ἐκείνων τούτου
χωρίς. τὸ δὲ κατὰ λόγον βιοῦν ἀπὸ τῶν νόμων, ὧν τοὺς μὲν ἔθηκαν αὐτοὶ
παρὰ τοῦ θεοῦ μαθόντες, τοὺς δὲ μετ' ἐκείνους οἱ τῶν ἐκκλησιῶν ποιμένες,
40 ταῖς ἐκείνων ἀκολουθήσαντες γνώμας. ὧν ἀπάντων εἰς ὁ Χριστὸς νομο-
θέτης, ὁ πρὸς αὐτοὺς εἰπὼν· ὁ ἀκούων ὑμῶν ἐμοῦ ἀκούει, καὶ
ὁ ἀθετῶν ὑμᾶς ἐμὲ ἀθετεῖ. ὅτε τοίνυν, τὴν ἀρχὴν ταύτην καὶ
τὴν δεσποτείαν ὁ μὲν θεὸς ἴν' ἔχῃ, τοσαῦτα ἐποίησεν, ὑμεῖς δὲ ῥαδίως
λύετε καὶ πρᾶγμα ποιεῖν ἀσφαλὲς νομίζετε καὶ κινδύνων ἀπηλλαγμένοι,
45 τίνα καταλείπετε ἀπονοίας καὶ θράσους ὑπερβολήν; θήσω, φησὶ, τὸν
θρόνον μου ἐν ταῖς νεφέλαις· δέδοικά σε, μὴ τὴν ἐκείνου
νόσον νοσήσ.
31. Εἰςὶ δὲ οἱ φασιν ἀπολογούμενοι τὸν καιρὸν ἤδη τῶν τοῦ θεοῦ
νόμων ἐξῆκειν, χρῆναι μὲν γὰρ ποτε κυρίους εἶναι, νῦν δὲ οὐκέτι· καὶ,
ὥς ἔοικεν, ὁ μὲν Σωτὴρ τὸν παλαιὸν ἔπαυσε νόμον τελεωτέρῳ νόμῳ τῷ
ἑαυτοῦ, οὗτοι δὲ τὸν ἐκείνου τοῖς ἑαυτῶν. εἰ μὲν οὖν καὶ βάπτισμα εἰσάγουσι
5 καὶ αἷμα ἕτερον, δεικνύωσαν καὶ θεὸν ἄλλον· εἰ δὲ τὸ ὕδωρ τοῦτο στέρ-
γουσι καὶ τὴν θυσίαν ταύτην καιρὸν ἔχειν ἔτι φασίν, οἱ νόμοι ταῦτα
σφύζουσι· καὶ τούτους ῥίψῃς, τῶν μυστηρίων οὐδὲν ὀνήσῃ, ὁ γὰρ παρα-
νομεῖν ἐγνωκὼς εἰκὴ μεμύηται. καὶ οὕτως οὐδὲν κωλύει πάντα τὸν χριστι-
ανισμόν ἐκ μέσου γενέσθαι παρὰ τὰς ψήφους ταύτας τῶν ἀνδρῶν τουτωνί.
10 οὐχ ὁρῶ δὲ τίνα ταύτην φασὶν εἶναι τὴν ἀκαιρίαν. — πολλὴ πανταχοῦ
νῦν ἡ μοχθηρία, φησὶ, τὸ χρηστὸν δὲ ὀλίγον. — καὶ μὴν ἐπ' αὐτῶν τῶν
πρώτων τοῦ νόμου κηρύκων ἡ οἰκουμένη πολλῶ χεῖρον εἶχεν, καὶ ἀθείαν

30,41 Luc.10:16.

45 Is.14:13-14.

31,10 οὐχ — ἀκαιρίαν cf. Theod. Metochita Misc.c.1 (p. 14, edd. Mueller-Kiessling).

31,11 φησὶν P

ἅπαντα καὶ πονηρίαν ἐνόσει τὴν ἐσχάτην, ἀλλ' ὅμως ἐκήρυττον, καὶ ὁ
 Σωτὴρ ἔπεμπεν αὐτοὺς καθάπερ βαπτίζειν ἅπαντας, οὕτω καὶ διδάσκειν
 15 κελεύσας πάντα τὸν νόμον τηρεῖν. καὶ αὐτὸς δὲ πηνίκα εἰς τὴν γῆν ἦλθε καὶ
 τοὺς νόμους εἶπε τούτους; ὅτε, φησὶν, ἐπλεόνασεν ἡ ἀμαρτία.
 τοῦτο μὲν γὰρ ἀκόλουθον, εἴ τις τὸν τῆς νόσου καιρὸν ἱατρῶν καὶ φαρμάκων
 εἶναι νομίζει καιρὸν, καὶ τοσοῦτο μᾶλλον, ὅσον ἐκείνη χείρων. τὸ δὲ
 Fol. 257^r νοσοῦντας φεύγειν τὸν δυνάμενον || θεραπεύειν, μόνων ἂν εἴη τῶν τὴν
 20 γνῶμην ἐλαυνομένων, οὓς δῆσαντες πρότερον ἱατρῶν παῖδες, ἔπειτα
 χρώνται πρὸς τὸ τῇ τέχνῃ δοκοῦν. οὐ τοίνυν παρανομίας γένοιτ' ἂν καιρὸς
 οὐδὲ εἷς, οὐδ' ἁωρία νόμου, ἀλλὰ καὶ ἱεροσυλία καὶ ἀδικία καὶ τῶν πονηριῶν
 ἐκάστη κακὸν ἂν εἴη, καὶ οὐκ ἔστιν ὅπως ἡ ἀνθ' ὅτου τολμώμενον λύσει
 τὰς μέμψεις ἢ κουφοτέρας ἐργάσεται τὰς τιμωρίας τοῖς τολμηταῖς.

32. — Καὶ μὴν Ἐπιφάνιος, φησι, καὶ πρὸ τούτου Δαυὶδ ᾠθήθησάν ποτε
 χρῆναι τῆς ἄγαν δικαιοσύνης ἀμελήσαι καὶ τῆς ἀκριβείας ὑφεῖναι τῶν
 νόμων· καὶ ὁ μὲν, οὐδὲν ἑαυτῷ προσήκον, τῶν ἱερῶν ἔφαγεν ἄρτων, ὁ
 δὲ τὸν Ἰωάννου πλούτον δόλω λαβὼν εἰς τὰς τῶν πενήτων ἑρρύψε χεῖρας.
 5 τί οὖν ἀδικούμεν, εἰ τῶν αὐτῶν μὲν αἰτιῶν, τῶν αὐτῶν δὲ καιρῶν ἐπιστάντων,
 ἐκείνα ποιοῦμεν, ἅπερ ἄνδρες δίκαιοι καὶ θεοῦ γέμοντες, οὓς εἰκὸς καὶ ταῦτα
 δρᾶσαι παρὰ τοῦ θεοῦ κινουμένους; — οὐκ ἄρα ἐκείνοι τῶν δικαίων οὐδ'
 ὅτιοῦν κατεφρόνησαν οὐδὲ νόμους ἔλυσαν· οὔτε γὰρ ἐκείνος ἐσύλησεν
 οὔτε οὗτος ἤρπασεν, ὥς ἂν τοῦ κεκτημένου δόντος λαβόντες. ὥσθ' ᾧ μόνῳ
 10 διαφέρει τὸ καλῶς λαβεῖν τοῦ κακῶς, λέγω δὴ μὴ κλέπτοντα μηδ' ἀπατῶντα
 μηδὲ βιαζόμενον, ἀλλὰ συγχωρούντων τῶν ἐχόντων, τοῖς μὲν ὑπὸ σοῦ
 πεπραγμένοις οὐ μέτεστιν οἷς δὲ ἐποίησαν ἐκείνοι καὶ μάλα πρόσεστιν·
 οὕτως ἀνομοίως τοὺς ἄνδρας μιμῇ καὶ τοσοῦτον ἀπέχεις ἵεναι διὰ τῶν
 αὐτῶν ἐκείνοις, εἴ γε αὐτὸς ἐκίνησεν αὐτοὺς ἐπὶ ταῦτα καὶ προὔτρεψεν ὁ
 15 χρυσοῦ καὶ ἀργύρου καὶ τῶν ἄρτων ἐκείνων καὶ κοινὸς ἀπάντων δεσπότης.
 ὁ περὶ τῶν ἀνδρῶν ἀσφαλῶς ἀνάγκη πεπεῖσθαι, καὶ μὴ παρ' ἑαυτῶν ἐλθεῖν
 ἐπὶ ταῦτα νομίζειν αὐτοὺς. ἡ γὰρ ἂν σαφῶς ἠδίκουν καὶ δίκας ὤφειλον·
 νῦν δὲ ἐπηνέθησαν. οὐδὲ γὰρ εἰ τᾶλλα μὲν ἦσαν πάντα χρηστοὶ, τοῦτο δὲ
 παρηνόμουν τὸ μέρος, σεμνὸν τι πρᾶγμα τὴν παρανομίαν ἀπέβαινον καὶ
 20 δόξαν αὐτῇ περιετίθεσαν ἀγαθὴν ἀντὶ τῆς προσηκούσης· τοῦναντίον μὲν
 οὖν, αὐτοὶ τῶν ἐκείθεν ἐκληρονόμουν κακῶν, καθάπερ οὐδ' ἐν οἷς κατῴρθουν,
 ὥς δόξης τινὸς μετέδωσαν τῇ δικαιοσύνῃ καὶ τοῖς νόμοις εἴποι τις ἂν εὖ
 Fol. 257^v φρονῶν, ἀλλ' ἔμπαλιν ἀπ' ἐκείνων || ἦν αὐτοῖς τὸ σεμνὸν· οὐδεὶς γὰρ τοῦ
 κανόνος εὐθύτερος γένοιτ' ἂν, οὐδὲ τοῦ δικαίου σεμνότερος. ὅθεν οὐκ ἀπὸ
 25 τῶν ἐνίοις εἰργασμένων τοὺς νόμους κρινούμεν, ἀλλ' ἀπὸ τῶν νόμων ἐκάστον
 πράξεις δοκιμάσομεν, καὶ τούτῳ τῷ κανόνι τοὺς ὀρθῶς βιούντας εἰσόμεθα
 καὶ τοὺς μοχθηροὺς· καὶ ἀγαθὸν μὲν ἄνθρωπον καλέσομεν ᾧ δικαιοσύνης

31,16 cf. Rom. 5:20.

32,1 Ἐπιφάνιος — 4 χεῖρας cf. *Vita Epiphaniī a Ioh. et Pol. scripta*, cc.44–45 (Migne LXXI,80B–82D); *Vita Ioh. Eleemosynarii a Leontio scripta*, 21 (p. 40, ed. Gelzer); I Reg. 21; cf. *Alexii Comn. oratio in Annæ Comm. Alexiade*, VI,3,4 (II,47,20–23, ed. Leib).

καὶ νόμων ἐμέλησεν ἐκάστοτε, πονηρὸν δὲ πάλιν ὃς ἂν ἀλοίῃ παρανομῶν,
 καὶ τὸν ἄλλον βίον ἔχῃ δείξαι χρηστόν. ὁ δὲ μακάριος Παῦλος καὶ ν
 30 ἄγγελος ἦ, φησιν, —

33. Ἀλλὰ ταῦτ' ἐστὶ τὰ παραδείγματα, ἃ μὴ καλῶς συνιδόντας μὴδὲ
 σκεψαμένους τῶν ἱερέων ἐνίους πείθει ῥαδίως παρανομεῖν. τῶν γὰρ ἱερῶν
 νόμων κελευόντων τὰς τῶν ἱερέων ἀρχαιρεσίας μὴ ποιεῖσθαι μισθοῦ, καὶ
 5 πρὸ τούτων τοῦ Σωτῆρος προῖκα διδόναι τὴν χάριν, αὐτοὶ πιπράσκοντες
 οὐ νομίζουσιν ἀδικεῖν, ὅτι τὸ τίμημα καλῶς, φασιν, ἀναλίσκουσι. καίτοι
 οὐδὲ τῷ τὸν δεσπότην ἀποδομένῳ δούλῳ καὶ τοῖς πριαμένοις Ἑβραίοις
 ἀνεκτοτέρα ἐργάσατο τὴν κατηγορίαν τὸ μὴ τολμήσαι χρῆσασθαι τῷ
 10 τιμήματι, ἀλλὰ τὸν μὲν ἐν τῷ ναῷ ῥύψαι, τοὺς δὲ ὑπὲρ τῶν ξένων ἀνα-
 λῶσαι· ἀλλ' οὐδὲν ἦττον εἰσὶ μιαιοὶ καὶ σκηπτῶν ἄξιοι καὶ βαράθρων,
 ὅτι τὸν μόνον ἐλεύθερον ὡς ἂν αὐτοῖς ὀφείλοντα δουλείαν ἀλλήλοις μισθοῦ
 15 παρεῖχον. οὐκοῦν οὐδὲ σὲ πτωχοῦ πρόνοια καὶ ξένων, καὶ τοιαῦται προ-
 φάσεις τῆς Ἰσῆς γεέννης ἐξέλονται· ἂν, τὰ ἴσα τολμῶντα. καὶ μὴ θορυβή-
 σης· οὐ γὰρ ἐμὸς ὁ λόγος, ἀλλ' αὐτῶν τῶν νομοθετῶν. ὁ γὰρ ἐπὶ χρήμασι
 τὴν ἱερωσύνην διδοὺς δοῦλον ποιεῖ τὸ πνεῦμά, φησι. καὶ
 15 τοσοῦτῳ διαφέρεις ἐκείνων, ὅτι οἱ μὲν εἰς τὸν υἱὸν ὕβρισαν, σὺ δὲ εἰς τὸ
 πνεῦμα, τοὺς ὁμοτίμους.

34. Ἐπεὶ καὶ περὶ τὰς ψήφους, ὡς οὐ διέφθορας, οὐκ ἔχεις εἰπεῖν·
 οὐ γὰρ ἀγαθοὺς, ἀλλὰ τοὺς πονηροὺς αἱρῇ. τί γὰρ μιαιώτερον ἢ ἀνοητό-
 τερον ἀνδρὸς οὕτω περὶ τὴν ἀρχὴν μεμνηνός, ὃς ἵνα τύχῃ λαβὼν, καὶ
 5 τοῦτο κακῶς, τὰ τε ὄντα διαφθείρων ἀνέχεται καὶ περὶ τὸν θεὸν ἀσεβῶν·
 εἰ γὰρ καὶ τᾶλλα ἀγαθὸν τοῦτον εἶναι δοίῃ τις, πρὸς γε τὴν ἱερωσύνην
 οὐδὲν αὐτῷ κοινόν, εἴ γε δεῖ τοῖς νομοθέταις πιστεύειν αὐτοῖς. εἰ δὲ τὰς
 Fol. 258^r ψήφους ὀρθὰς εἶναι δείξεις, τὸ εἰς σὲ || ἦκον, τό γε τὴν χεῖρα πιπράσκειν καὶ
 κάπηλος εἶναι τῆς χάριτος οὐκ ἂν φύγοις, καὶ πάντα εἴπῃς. οὐ γὰρ ὅτι
 10 τὸ δῶρον, οὐ τίμημα, καλεῖς, οὐδ' εἰς τὸ πωλητήριον ἐμβάλλεις, οὐδὲ
 κηρύττεις ἐπὶ τῆς ἀγορᾶς ὅσου πιπράσκεις, καὶ βοῇ τοὺς ὠνεῖσθαι

32,29 Gal.1:8.

33,3 νόμων — 4 χάριν cf. Mat.10:9; *Epist. Gennadii Patr.*, edd. Rhallès-Potlès, IV,368; *Epist. Tarasii Patr.*, edd. Rhallès-Potlès, IV,375.

6 οὐδὲ — 9 ἀναλῶσαι cf. Mat.27:3–10; *Epist. Tarasii Patr.*, edd. Rhallès-Potlès, IV,377; *Epist. 53 Basilii Magni ad episcopos*, edd. Rhallès-Potlès, IV,279.

12 μὴ — 13 λόγος cf. Plat. *Apol.* 20e.

14 cf. Zonaras *ad Can. Apost. 29 et 30*, edd. Rhallès-Potlès, II,37; *Epist. Tarasii Patr.*, edd. Rhallès-Potlès, IV,376; Balsamon *ad epist. Tarasii*, edd. Rhallès-Potlès, IV,384; *ad Can. Apost. 29 et 30*, edd. Rhallès-Potlès, II,38; Blastares *Syntagma*, edd. Rhallès-Potlès, VI,511.

34,8 οὐ — 13 πράγματος cf. *Litterae Ad metropolitam et archiepiscopum ordinandum*, edd. Rhallès-Potlès, V,548.

33,2 ^α ἐνίους τῶν ἱερέων S

8 ^β ρίψαι PS

34,7 εἶναι om. P

βουλομένους ἀθροίζεις, ἀλλ' ὀνόμασι χρῆ σεμνοτέροις καὶ ὁ οἰκίσκος
 σύννοιδέ σοι μόνος τὸ συνάλλαγμα καὶ νυκτὸς καὶ σκότους τοῦτο ποιεῖς, ἥδη
 καὶ τὴν οὐσίαν αὐτὴν ἀμείβειν δυνήσῃ τοῦ πράγματος, καὶ ἀντὶ πράσεως
 καὶ καπηλείας ἄλλο τι σεμνὸν ποιεῖν· ἢ καὶ τὸν λίθον εἰ χρυσὸν ὀνομά-
 15 σεις, χρυσὸν εἶναι δεήσει τὸν λίθον, καὶ τὸν τοιχωρύχον εἰ μὴ τοιχωρυ-
 χεῖν εἴποις μηδὲ κακουργεῖν, ἀλλ' οἰκονομεῖν νυκτὸς τὰς οἰκίας, καὶ τῆς
 δίκης ἂν ἐξέλοιο καὶ τοῦ τῶν ἀγαθῶν ἀνδρῶν ἐγγράψαιο χοροῦ; ἀνθρώ-
 πους πείθομεν, φησὶ Παῦλος, θεῶ δὲ πεφανερώμεθα· σοὶ
 δὲ οὐδὲ τῶν ἀνθρώπων οὐδεὶς πείσεται ἀπὸ τῆς τῶν ὀνομάτων ἀμοιβῆς
 20 τὴν ἀληθῆ περὶ τῶν πραγμάτων ἀμείψαι δόξαν. ὥς γὰρ οὐ τὰ πράγματα
 τοῖς ὀνόμασιν, ἐκεῖνα δὲ τούτοις ἀκολουθεῖ, λέληθεν οὐδένα τῶν πάντων·
 καὶ πρᾶσιν οὐδὲν ἕτερον ἴσασιν, ἢ τὸ μὲν δοῦναι, τὸ δὲ ὑπὲρ ἐκείνου
 λαβεῖν. τοῦτο γοῦν τὸ λαβεῖν ὁ νόμος ἐκώλυνσε, σὺ δὲ λαμβάνων ᾧ
 χαίρεις κάλει τὸ πρᾶγμα· κἂν γὰρ τὰ πάντων σεμνότατα καλέσης, παρα-
 25 νομείς. ὥς γὰρ οὐ προῖκα δίδως, αἱ χεῖρες βοῶσι. σκέψαι γὰρ, εἰ τὴν
 ἐν ταῖς πολιτείαις ὥνῃ καὶ πρᾶσιν, αἱ συνέχουσι τὰς πόλεις, μέχρι τῶν
 ὀνομάτων μόνων ἐξέβαλες καὶ τὸν νόμον εἰσήνεγκας τοῦτον, διδόναι μὲν
 ἅπαντας καὶ λαμβάνειν ὑπὲρ ὧν διδῶσιν ἅπερ ἂν ἀλλήλων δέοιντο, πρᾶσιν
 δὲ μηδαμοῦ καλεῖν μηδὲ πωλητήριον μηδ' ὄνιον ἢ τιμὴν, ἀλλ' ἀμφοτέρω
 30 δωρεάς, ἂρ' ἂν ἦσθετο τινὸς ἢ πόλιν βλάβους ἢ ὠφελείας, καὶ χείρων
 ἐγένετο περὶ τὰς κοινωνίας ἢ βελτίων, παρὰ τὸ σχῆμα τοῦτο καὶ τοῦνομα;
 καὶ τίς ἂν φαίη νοῦν ἔχων; οὐ γὰρ ἡ φωνὴ προσθεῖναι δύναται ἂν οὐδὲν
 τοῖς πράγμασι καὶ μεταβολὴν ἐνεργεῖν.

35. Εἰ τοίνυν δεξιῶσιν ὁ διδοὺς τὰ δῶρα καλεῖ καὶ φιλοφροσύνην ἢ
 Fol. 258^v φόρον ὑμῖν ὡς δεσπόταις ὀφειλόμενον, οὐ τοῖς ῥήμασι || προσέχειν
 ἐχρήν, ἀλλ' ὡς ἔχει γνώμης σκοπεῖν· καὶ οὐκ ἂν ἔδωκε μὴ λαβεῖν ἀσφαλῶς
 ἐλπίσας ἢ λαβὼν ἥδη καὶ κατέχων. εἰ τοίνυν οὕτω δίδωσιν ἐκεῖνος, σὺ δὲ
 5 εἰδὼς οὕτω διδόντα προσίη, τῆς τε γνώμης τῆς αὐτῆς μετέχεις αὐτῷ καὶ
 τῆς καπηλείας κοινωνὸς εἶ, καὶ ἂ λαμβάνεις, τιμὴν λαμβάνεις ὧν δίδως,
 καὶ οὕτως ἀμφοτέρων ἕνεκα τὸ πρᾶγμα πρᾶσίς ἐστιν ἐναργής· οἱ δὲ
 θεῖοι πατέρες τὸ πιπρασκόμενον ἐνταῦθα τὸ πνεῦμά φασι. τί οὖν οὕτω
 φαῦλον κέρδος οὕτω μεγάλων κινδύνων ὥνῃ, καὶ ἵνα μικρὸν ἀργύριον

34,17 II Cor.5:11.

35,4 ἐλπίσας — κατέχων cf. *Epist. Gennadii Patr.*, edd. Rhalles-Potles, IV,370;
Epist. Tarasii Patr., edd. Rhalles-Potles, IV,377sq.; *Epist. Basilii*
Magni ad episcopos, edd. Rhalles-Potles, IV,278.

7 οἱ — 8 φασι cf. *Can. 2 Conc. Chalc. eiusque paraphrases a Zonara et*
Blastare confectas, edd. Rhalles-Potles, IV,217; VI,509; Aristaenus,
 edd. Rhalles-Potles II,220.

34,17 fortasse ἐξέλους P

18 δὲ om. S

22 πρᾶσιν PS

26 πρᾶσιν PS

28 πρᾶσιν PS

35,7 πράσις PS

- 10 καλῶς ἀναλώσης μετὰ τῶν ἡτιμωκότων τὸ πνεῦμα τάττεις σαυτόν; καίτοι οὐδὲ τοῦτο τοὺς νομοθέτας εἰκὸς ἀγνοεῖν, ὥς εἰς τὸ δέον ἅπερ ἂν λάβῃς ἀναλώσεις, ἀλλ' ὅμως ἀπέειπον, τοῖς γὰρ ἐπισκόποις ταῦτ' ἔγραψαν. καλοῦσι δὲ οὕτως, οὐ πλεονέκτας οὐδ' ἀσώτους καὶ φαύλους τινὰς ἀνθρώπους, ἀλλὰ δικαίους καὶ σὺφρονας καὶ ἐλευθερίους καὶ φιλανθρώπους καὶ τᾶλλα χρη-
- 15 στούς. τούτους τοῖνυν ἐκώλυσαν ἀπὸ τῆς χειρὸς εὐπορεῖν, τοὺς ἐν πάσῃ δαπάνῃ τὸ δοκοῦν τῷ θεῷ ζητοῦντας. εἰ γὰρ τοὺς πονηροὺς εἴποις, πρῶτον μὲν πῶς εὐλογον, οὓς οὐδὲ προῖκα τὰ τῶν ἱερέων πράττειν αὐτοὶ συγχωροῦσιν; ἔπειτα, εἰ καὶ τοῦτο δώσομεν, τοιούτων ἐπισκόπων αὐτοὺς ἀνέχεσθαι καὶ τούτοις ἀνατιθέναι τὸν νόμον, τίνα ἂν ἔχοι λόγον, εἰ ψυχὰς
- 20 αὐτοῖς ἐπέτρεψαν καὶ χρήματα καὶ πόλιν ὀλόκληρον, περὶ ὀβολῶν ὀλίγων διαπιστεῖν; οὐκουν περὶ τῆς δαπάνης δεδοικότες ταῦτ' εἶπον, οὐδὲ τοῦτ' αὐτοῖς ὁ νόμος ἐβούλετο, πολλοῦ γε καὶ δεῖ. τί οὖν ἂν εἴποι τις; εἰ μὲν καὶ τὴν αἰτίαν οὐ προσετίθεσαν ἐκεῖνοι τοῦ νόμου, καὶ ἡμᾶς εἰκάζειν εἰκὸς ἦν· νῦν δὲ αὐτοὶ λέγουσιν ὑπὲρ οὗ τὰ δῶρα ταῦτα κακίζουσιν· ἵνα
- 25 μὴ δοῦλον ᾖ τὸ πνεῦμά, φησι, πιπρασκόμενον. ἀκούεις; ἔτ' οὖν ἄλλον ἐροῦμεν εἶναι τοῦ νόμου σκοπόν; οὐδὲ γὰρ οὐδ' αὐτὸς ἀξιῶσαις τοὺς νομοθέτας αὐτοὺς περιορᾶν καὶ μὴ πείθεσθαι τὴν ἑαυτῶν μηνύουσι γνώμην ἐν οἷς εἶπον αὐτοὶ, σοὶ δὲ ἔπεσθαι, διάνοιαν ῥημάτων ἀλλοτριῶν στοχαζομένῳ.

Fol. 259^r

36. Ἐνιοὶ δὲ καὶ βασιλέων εἶναι νόμους φασίν, || οἱ κελεύουσι τόσα καὶ τόσα καταβάλλειν τοῖς τελέσασιν τοὺς ἱερωμένους. εἰ μὲν οὖν αὐτοῦ τοῦ τελεσθῆναι χάριν, σαφῶς τὸν τοῦ θεοῦ λύουσι νόμον· οὐδεὶς δὲ οὕτω σφόδρα βασιλεὺς, ὥστε θεοῦ προτιμηθῆναι καὶ ψήφον κύριος εἶναι παρα-
- 5 νομῶν. καίτοι οὐκ ἀνθρώπων οὐδενὶ μόνον, ἀλλ' οὐδὲ ἀγγέλῳ προσέχειν τὸν νοῦν ὁ Παῦλος ἠξίωσεν, εἴ τις ἄλλο τι παρὰ τοὺς κειμένους νόμους τολμήσει εἰπεῖν. εἰ δὲ τὴν μὲν τελετὴν προῖκα ποιεῖσθαι κελεύουσιν, ἄλλην δὲ τίνα παρεῖχον αὐτοῖς οἱ τελεσταὶ μετὰ τὴν ἱερωσύνην διακονίαν, ἣν ἀμισθὶ λαμβάνειν ἐκείνους ἄγνωμον ἦν, ἥ καὶ σὺ δείξόν τι τοιοῦτον εἰς
- 10 αὐτοὺς εἰργασμένον, ἥ μὴδὲν ἔχων πλὴν τῆς τελετῆς εἰπεῖν, αὐτὴν ὁμολόγει πιπράσκειν.

37. — Τί οὖν; οὐδὲ μετὰ τὸ τελεσθῆναι τὸν ἱερέα, τὸν τελέσαντα καὶ τὸν περὶ αὐτὸν χορὸν ἀναπαῦσαι πόνων καὶ θρέψαι καλὸν; — ἐκόντα μὲν οὖν καὶ προθυμούμενον, οὐ τούτους μόνον, ἀλλ' ἐκάστοτε καὶ πάντας ἔξεστι τρέφειν· ὅταν δὲ καθάπερ τινὰ φόρον ἀναγκαῖον ταῦτα εἰσπράτ-

35,12 ἔγραψαν an Iust. Nov.123?

25 cf. *testimonia ad* 33,14.

36,1 νόμους Iust. Nov. 56,1; 123,3 = *Basilica III*, 1,10 (I,94, ed. Heimbach); Nov. Isaacii Comn. a. 1059(?), cf. Doelger, *Regesten*, nro 943, *eiusdemque nov. mentio facta a scholiasta in Harmenopuli Syntagmate*, ed. Leunclavius, I,7, et a Blastare in *Syntagmate*, edd. Rhalles-Potles, VI,514; Nov. Alexii Comn. a. 1085, cf. Doelger, *Regesten*, nro 1127; cf. Pachymer, *Hist.* II,200, 2 Bonn.

5 ἀγγέλῳ — 6 ἠξίωσεν cf. Gal.1:8.

- 5 τωνται καὶ δακρύνοντες τοῖς ὀφθοποιοῖς διαλέγωνται, καὶ καταρῶμενοι ταῖς
 κοιλίαις τῶν εὐχουμένων τοὺς ὀβολοὺς ἀναλίσκωσι, καὶ μάλιστ' ἂν ὦσι
 πένητες καὶ, τῷ μὴδὲν εἰσενεγκεῖν οἴκοθεν ἔχειν, ἐπὶ μεγάλοις τόκοις χρη-
 σάμενοι δαπανῶσιν, οὐκ οἶδα τί χρητὸν πρᾶγμα καλεῖν. οὔτε γὰρ αἰσχρο-
 10 τερόν <τι> τῆς τραπέζης ἐκείνης οὔτε ἀπανθρωπότερον, εἰ μάλ' ἔνεκα
 καὶ κόρου μιᾶς ἡμέρας βίαιος εἶ καὶ παράνομος, τὸν μὲν ἀδελφὸν ἄγχων καὶ
 διαφθείρων τῷ θεῷ δὲ ἀφανίζων τὴν δόξαν καὶ τὸν εὐεργέτην ἀποστερῶν καὶ
 συκοφαντῶν τὴν χάριν, καὶ τὴν αὐτοῦ δωρεὰν οὐκ ἔων ἔτ' εἶναι δωρεὰν —
 πῶς γὰρ ἂν οὕτω καλοῖτο τὸ μετὰ ζημίας κτηθὲν — σαντὸν δὲ καταισχύνων
 15 φαίνων. καὶ οὕτω προδίδως μὲν τάξιμα σαντοῦ καὶ τὴν προεδρίαν,
 ἵνα καταφάγῃς ὥσπερ Ἡσαῦ, καταλύεις δὲ τὸ ἔργον τοῦ θεοῦ
 βρώματος ἔνεκα, Παῦλος εἶπε, καίτοι πρὸς δόξαν θεοῦ τά τε ἄλλα
 ποιεῖν καὶ ἐσθίειν καὶ πίνειν κεκελευσμένος. πῶς οὖν καθεύδεις οὕτω δει-
 Fol. 259^v πνήσας; τίσι || χρώμενος λογισμοῖς τὸ συνειδὸς πείθεις ἡρεμεῖν; μὴ γὰρ
 20 οὐ τεθνήξῃ μόνος ἀνθρώπων;
38. Ὑμεῖς δὲ καὶ ταῖς οἰκίαις ἐνσκήπτετε τῶν ἱερέων τεθνηκότων,
 καὶ τὰς ἀπὸ τοῦ κοινοῦ προσόδους ἀρπάζετε, τῶν νόμων κελεύοντων τὰς
 μὲν τηρεῖσθαι τοῖς ἐκδεχομένοις αὐτοὺς, τὰς δὲ τοῖς κληρονόμοις τῶν
 ἐπισκόπων, εἴ τινές εἰσι, συγχωρεῖν. ἀλλ' ὑμεῖς οὔτε τούτων πατουμένων
 5 φροντίζοντες, χρησθε ὃ, τι βούλεσθε· τί τοῖς τεθνηκόσιν ἐγκαλεῖν ἔχοντες,
 εἰπέ μοι; τί τοῖς ζώσι; τί ταῖς πόλεσι; τί τοῖς νομοθέταις αὐτοῖς; οὐ συνέ-
 θεσθε ταυτὶ τὰ γράμματα σέβειν; οὐκ ὁμωμόκατε; οὐ τὸν θεὸν ἐνταῦθα
 καὶ τὴν γερονσίαν ἅπασαν ἐμαρτύρασθε; οὐκ ἐπὶ τούτοις ἤρθητε; οὐχ
 ἵνα σφύζητε τοὺς νόμους, ἐπὶ τὸν θρόνον ἀνέβητε τοῦτον; τί οὖν τὸ πείσαν
 10 πάντων ἐκείνων ἐπιλαθομένους φαύλων ἔνεκα λημμάτων τοιαῦτα ἀσχημο-
 νεῖν; ὁ μὲν γὰρ νόμος οὐδὲν ἔχει σκοτεινὸν οὐδὲ γρίφον, ἀλλ' ἀπλῶς
 οὕτω καὶ σαφῶς ἀπάγει τῶν ἀλλοτρίων ὑμᾶς. σὲ δὲ ὁ ποιεῖ τούτων κύριον
 ἐκ τῶν δικαίων οὐκ ἂν εὖροις, οὐδ' ἂν μυριάκις τὴν δαπάνην εἵπης ὥς

37,9 μάλ' cf. Gen.25:34?

16 cf. Gen.25:29–34; cf. Rom.14:20.

38,2 νόμων cf. Can. Apost. 40; Can.35 Conc. in Trullo; *bullā aurea* Ioh. Comn. a. 1124 (1139?), cf. Doelger, *Regesten*, nro 1301; *prostagma* Man. Comn. a. 1150 sive 1165, cf. Doelger, *Regesten*, nro 1380 (*necnon* nro 1289); Doelger, *BZ*, XLVI (1953), 426; *bullā aurea* Ioh. Vatatzae a. 1228, cf. Doelger, *Regesten*, nro 1720; *prostagma* Andron. Senioris a. 1312, ed. Zach. v. Lingenthal, *IGR*, III, 633sq.; *litterae Ad metropolitam et archiepiscopum ordinandum*, edd. Rhalles-Potles, V,546sq.

7 ὁμωμόκατε cf. *novella* Andron. Senioris, ed. L. Stan, *O Novelā necunoscutā a . . . Andr. II Paleologul. . .* p. 8; cf. *professio fidei* Antonii Patr. a. 1389, edd. Miklosich-Mueller, II,114.

37,9 supplevi e.g.

10 ἄγχων om. P

38,11 γρίφον PS

- θεοφιλή καὶ λυσιτελή· δέδεικται γὰρ ὡς οὐδένα ταῦτ' ἔχει λόγον. τί οὖν
 15 ὑπόλοιπον προφασίζῃ; — πένης εἰμί, φησι. — διὰ τοῦτο τοῖνυν τοῖς ἄλλο-
 τριοῖς ἐπιπηδήσεις, καὶ ἤττον παρανομήσεις, ὅτι πένης εἶ; ἐκείνους μὲν
 τοῦτο πείσειεν ἂν φιλανθρωποτέρους γενέσθαι, σὲ δὲ οὐδὲν μᾶλλον ἐργά-
 σαιτο δίκαιον μὴ βουλομένους ἀποστερεῖν· ὅτι χωρὶς μὲν ὁ ἔλεος, χωρὶς
 δὲ τὸ δίκαιον. σὺ δ' ἐπειδὴ μὲν ἄλλοις δικάζῃς, τὸ δίκαιον ἐπιγινώσκεις,
 20 καὶ οὔτε τῷ πένητι καλλίω ψήφον δίδως διὰ τὴν πενίαν, οὔτε τοῖς πλου-
 τοῦσι χείρων γίνῃ διὰ τὸν πλοῦτον, ἀλλ' ὁμοίως εἰσπράττεῖς κακείνους
 ἅπερ ἂν λάβῃς ἀδικούντας, οὐδ' ἐπιτρέπεις τοὺς ἀπόρους ἀπὸ τῶν εὐπόρων
 ἀρπάζειν οὐδὲν, ἀλλ' εὖ ποιεῖν ἐκείνους παραινῶν, ἂν ἐκόντες οὐ δῶσιν,
 οὐδὲν πλέον προστίθῃς· ὅταν μέντοι δέῃ σαυτὸν ὠφελεῖν, οὐκ αἰσχύνη
 25 τὴν ἐναντίαν ἐκφέρων; — ἀλλ' ὀφείλεται ἡμῖν, φησι, διὰ τὸ εὐαγγέλιον· ὁ
 γὰρ κύριος ἐκέλευσε τοὺς ἐργαζομένους τὸ εὐαγγέ-
 λιον ἐκ τοῦ εὐαγγελίου ζῆν. — || οὐκοῦν ἐκείνους ἐνταῦθα μιμῇ
 τοὺς ἀοίκους, τοὺς γυμνοὺς μικροῦ, τοὺς ἀνυποδέτους; ἐκείνοι παρὰ διδόν-
 των καὶ σφόδρα βουλομένων ἐλάμβανον, καὶ τοῦτο νόμον ἔθεσαν, μὴ ἐκ
 30 λύπῃς ἢ ἐξ ἀνάγκης, καὶ μηδὲν ἔχοντες οἴκοθεν αὐτοῖ καὶ ὦν
 ἀνάγκη τῷ σώματι — ταῦτα γὰρ ἂν σημαῖνοι τὸ ζῆν — καὶ παρ' ἐκείνων
 ἕκαστος, οἷς τὰ περὶ τῆς σωτηρίας ἄγγελος ἦν. σὺ δὲ ἀρπάζεις καὶ βοῶντας
 καὶ ὀδυρομένους λωποδυτεῖς, οἰκίαν ἔχων καὶ ἵππον καὶ οἰκέτην καὶ παρά-
 σιτον, οἶμαι, καὶ ἀργύριον καὶ κιβώτιον· ὅθεν οὐ πλήρωμα τῆς ἐνδείας ὁ
 35 τυγχάνεις λαμβάνων, ἀλλὰ προσθήκην ἔχει τοῖς περιττοῖς, καὶ οὐ παρ'
 ἐκείνων ὦν εἰ ποιμὴν, ἀλλοτρίας δὲ συλῆς πόλεις· οὕτω τὴν ἐναντίαν ἐκεί-
 νοις ἐν ἅπασι χωρεῖς. πῶς οὖν οὐκ αἰσχυρὸν ἀπολογίαν ποιεῖσθαι τοὺς ἄνδρας,
 πρὸς οὓς οὐδὲν κοινὸν ἔχεις καὶ οἷς οὐδὲν πράττεῖς ὅμοιον;
 39. — Ἄλλ' ἐμά, φησιν, ἐκείνα καὶ οἱ μὴ διδόντες ἀδικούσι· ποιμὴν
 γὰρ ἅπασῶν ἐγώ, καθάπερ ἕκαστος τῆς αὐτοῦ· καὶ λάβω παρ' ἀκόντων,
 οὐκ ἀδικῶ. — μάλιστα μὲν καὶ οὕτω παρανομήσεις· καὶ ὦν γὰρ εἰ ποιμὴν,
 οὐδὲ τούτους βιάσῃ, τοῦ νόμου τοῦτο κελεύοντος. ἔπειτα, εἰ καὶ τῆς
 5 πόλεως ἐπίσκοπος εἶ, τί μᾶλλον διὰ τοῦτο τὰς ἀποίκους καρποῦσθαι
 πόλεις δίκαιος εἶ; ὁ γὰρ νόμος οὐ πρὸς τοὺς πολλοὺς οὐδὲ κατὰ τῶν τοὺς
 ὁμοφύλους ἡδικοκτότων, ἀλλὰ τὸν ὑπὲρ τούτους, τὸν τῆς μητροπόλεως
 ἐπίσκοπον, σὲ τοῦτον, τῶν ἐν ταῖς ἀποίκαις χρημάτων ἀπέχεσθαι κελεύει
 τῶν ἱερῶν. εἴτε οὖν ἐπίσκοπον τούτων σαυτὸν ἀξιοῖς εἶναι δικαίως, εἴθ'
 10 οὐ μὴ προσῆκεν ὀνόματος ἀντιποιῆ, πρὸς τὴν αἰτίαν ταύτην οὐδὲν· ἀλλ'
 ἕως ὁ νόμος οὗτος κύριος, παρανόμων ἀλίσκη. εἰ μὲν γὰρ ἄλλο τι σχῆμα
 τοῦτο τὸ σὸν, καὶ τῶν ἐξ ἀρχῆς τεθέντων οὐδενὸς ὅμοιον, οὐδὲ τούτων
 αὐτὸς εἶναι τῶν ἐπισκόπων τῶν νόμῳ ἐδείκνυς ὀριζομένων, καλῶς ἂν

38,14 δέδεικται cf. 17sqg.

26 cf. I Cor.9:14; cf. Can. Apost. 41.

29/30 II Cor. 9:7.

39,1 ποιμὴν — 2 ἁπασῶν cf. Can. 9 Conc. Antioch?

6 νόμος cf. testimonia ad 38,2.

38,21 κακείνους] malim <καὶ τούτους> κακείνους, cf. 44,20; 46,19.

39,2 αὐτοῦ P

39,13 ἐδείκνυς τῶν νόμῳ ὀριζομένων P: τῶν νόμῳ ὀριζομένων ἐδείκνυς S

- 15 εἶρες, οἷς ἂν τὰς δίκας τοῦ νόμου τούτου διέφυγες· ἐπεὶ δ' οὐδὲν ἕτερον
 Fol. 260^v εὐρήσεις σαυτὸν, κἂν σφόδρα ζητήσης, ἣ ὃν ἐπίσκοπον μητροπόλεως οἱ
 νομοθέται καλοῦσιν, ὑπόλοιπον ἢ παρανομεῖν ὁμολογεῖν, || ἢ σαυτῷ
 βουλόμενον ἀμύνειν, τοῦ νόμου κατηγορεῖν ἀδικίαν, ὃν σέβειν ὁμώμοκας.
 εἰ δὲ τὸ δεύτερον ἐπιorkία καὶ παρὰ τὰς συνθήκας, ἐλοῦ τὸ πρῶτον.
40. 'Ἄλλ' οὐδ' οἷς ἐξηπατήθης ὡς εἴης ἐπίσκοπος τῶν ἀποικιῶν, οὐδὲ
 ταῦτ' ἐξελέγχειν πολλῶν καὶ ποικίλων γένοιτ' ἂν λόγων· τίνα δὲ ταῦτα;
 τοὺς ἐπισκόπους ἐκάστης αὐτὸς αἰρῇ καὶ τὴν χεῖρα δίδως καὶ τὸ πνεῦμα
 καλεῖς· καὶ διὰ τοῦτο τοῦ θρόνου δράττη, καὶ τὴν πόλιν σαυτοῦ πόλιν εἶναι
 5 νομίζεις; σοὶ δὲ οὐκ ἔστιν, ὃς τῶν αὐτῶν ἀπάντων ὑπῆρξεν καὶ εἰς τὴν
 τράπεζαν ἤγαγε καὶ τῆς κεφαλῆς ἤψατο καὶ τὴν ἱερωσύνην ἀνείπεν; οὐ
 γὰρ οἴκοθεν καὶ παρὰ σαυτοῦ ταῦτ' ἔχεις λαβών. οὐκοῦν διὰ τοῦτο καὶ
 τῆς ποιμαντικῆς κοινωνεῖται καὶ τὴν πόλιν ἀγέτω καὶ τὸν ἐπίσκοπον παντα-
 χοῦ δεικνύτω, σὺ δὲ μὴ χαλέπαινε, μηδ' ἡγοῦ παρανομεῖν. εἰ δὲ καὶ λόγον
 10 ὑπέχειν δεῆσαν, αὐτὸς δικάζεις, τίς ἐκέλευσε νόμος μερίτας ἢ κληρονόμους
 εἶναι τῶν ὄντων τοῖς δικαζομένοις τοὺς δικαστάς; σοὶ δὲ καὶ οὗτοι δικά-
 ζουσιν, ἀλλ' οὐκ ἂν ἀνάσχοιο τῆς ἀρχῆς οὐδ' ὄναρ αὐτοὺς ἰδεῖν κοινωνούς.
 πῶς οὖν ταῦτα μὲν δίδως τοῖς ἄλλοις ἅ παρ' ἐτέρων λαμβάνεις, οὐ τῶν
 αὐτῶν δὲ μεταδίδως ἔπειτα τοῖς δεδωκόσιν ὧν τυχεῖν παρὰ τῶν εἰς παθόντων
 15 αὐτὸς ἀξιοῖς; ἀλλ' ὅτι τοῦτο ἄδικον καὶ νόμων πολέμιον, σαυτῷ μὲν
 ἀμύνων δῆλος εἶ καλῶς ἐπιστάμενος, ἂν δ' ἄλλοις ἐπιθέσθαι θελήσης,
 εὐθύς ἡγνόησας. μᾶλλον δὲ, τί δεῖ λόγων ἐτέρων; αὐτὸ σκέψασθαι δεῖ
 παραλιπόντας, ὅτι παρ' ἐκάστη πόλει τῶν ἐπισκόπων γίνεται μόνον·
 κἂν φανῇς ἐν ταῖς ἀποικίαις ἔχων αὐτὸς, τότ' ἤδη τὴν γνώμην κυροῦν·
 20 εἰ δὲ μὴ, μηκέτ' ἐνοχλεῖν μάτην περὶ τῶν ἀλλοτριῶν, τοῖς κεκτημένοις
 ἀμφισβητοῦντα. τίνα δ' ἐστὶν ἐκεῖνα; τὸ μηδενὸς ἐπιτρέψαντος τὸ θυσια-
 στήριον εἰσιέναι καὶ τὰ μυστικά θύειν, καὶ εἰς τὸν αὐτόθι θρόνον καθίζειν
 τὸν ἱερὸν. ταῦτα δὲ τίς οὐκ οἶδεν, ὡς ἐν μὲν τῇ σαυτοῦ πόλει ποιῶν οὐκ
 Fol. 261^r ἀδικήσεις, ἂν δ' ἐτέρωθί που τολμήσης, || πολὺς ὁ κίνδυνος. πῶς οὖν
 25 ἐπίσκοπόν σε προσερούμεν πόλεως ἥς τὸν ἀρχικὸν θρόνον ὁ νόμος οὐδὲ

40,3 χεῖρα δίδως *Can.* 4 Conc. Nic.; *Can.* 2 Conc. Nic. Secundi.

10 δικάζεις *Can.* 9 Conc. Chalc.; *Can.* 14 Conc. Antioch; *Can.* 125 Conc. Carthag.

11/12 δικάζουσιν *cf.* *Can.* Apost. 34; Balsamon *ad Can.* 12 Conc. Carthag., *edd.* Rhalles-Potles, III,323sq.

21 τίνα — 24 κίνδυνος *cf.* *Can.* Apost. 35; *Can.* 2 Conc. Constantinop.; *Canones* 13 et 22 Conc. Antioch.; *Can.* 3 Conc. Sard.; Zonaras *et* Balsamon *ad Can.* Apost. 35, *edd.* Rhalles-Potles, II,47, 48; Dem. Chomatiani *Resp.* 7 *ed.* Pitra, *Analecta* VII,635; *litterae* Germani *Patr. ad. Ioh. Apocaucaum a. 1235 scriptae*, *edd.* Rhalles-Potles, V, 106sq.; Blastares *Syntagma littera* X, c.16; Miklosich-Mueller, I,57 (a. 1316); *cf. decretum Synodi Michaelis III Patr. tempore habitae*, *cf.* Grumel, *Regestes*, nro 1149; Miklosich-Mueller, II,110; 131; 199; III,223; 390 *et al.*; *cf. contra*, Balsamon *ad Can.* 2 Conc. Constantinop. Sec., *edd.* Rhalles-Potles, II,172.

προσιδεῖν ἐᾶ; σὺ δὲ ᾤου, τοῖς βασιλεῦσιν ὁμοίως, τῶν πόλεων μὲν πέμπειν ἡγεμόνας ἐκάστη, πασῶν δ' οὐδὲν ἦττον ἄρχειν.

41. Καὶ τοῦτο τοὺς εὐηθεστέρους τῶν ἱερέων ἐξαπατήσαν, μυρίων ἐνέπλησε τὰς πόλεις κακῶν. ἔστι δὲ οὐ τοιοῦτον, οὐδὲ ταύτην πρὸς τοὺς ἄλλους σφάζεις τὴν τάξιν, οὐδ' ἐγγὺς, ἀλλ' ἦν πρὸς τοὺς γάμους ὁ νομοθέτης ἔχει καὶ ὁ νυμφαγωγὸς· ἐκεῖνοι γὰρ αὐτοὺς καθιστάντες, καὶ τὰς
- 5 γυναῖκας σινοικίζοντες τοῖς ἀνδράσιν, ὁ μὲν τῷ προμνᾶσθαι, ὁ δὲ τῷ τὸν τρόπον ὀρίζειν ὃν ἄγεσθαι δεῖ, τοῦ λοιποῦ τῶν οἰκιῶν ἀπέχεται. καὶ ἔν' εἰδῆς, σκέψαι τὸ παράδειγμα τῆς ἱερωσύνης, τὸν Χριστὸν, καὶ οὐ μίμημα πᾶς ὅστις οὖν ἐκεῖνος, οὐ δεσπότης καὶ νυμφίος τῆς ἐκκλησίας ἐστίν; οὐκοῦν ἐπειδὴν τινα πόλιν ἐγχειρίζης, αὐτὸς νυμφα-
- 10 γωγὸς εἶ, καὶ πρὸ τούτου τὸν πρέποντα ζητῶν, τὰ νομοθέτου ποιεῖς· ἀλλ' οὔτε ἐκεῖνοι τὰς γυναῖκας ἡγούνται προσήκειν ἑαυτοῖς ἢ τὰς τῶν γυναικῶν οὐσίας ἢ κύριοί γε εἶναι τῶν ὄντων οὐτινοσούν, ὅτι τὴν οἰκίαν αὐτοῖς συνεκρότησαν ἅπασαν, οὐ ζώντων, οὐ μετὰ τελευτήν τῶν ἀνδρῶν, οὔτε σὺ δίκαια ποιήσεις, εἰ τὰ τῶν ἄλλων ποιμένων σαυτοῦ νομιεῖς. καὶ γὰρ
- 15 θυσιαστηρίων καὶ θρόνων τῶν ἐν ταῖς ἀποίκιαις τούτου χάριν ὁ νόμος ὑμᾶς ἐξέβαλε, καὶ πρὸς γε τῶν θυρῶν αὐτῶν τῆς πόλεως, πρὶν ἢ μαθεῖν καὶ κελεύσας τὸν ἐπίσκοπον, ἐπιβαίνειν οὐ συνεχώρησεν· τοῦτο μὲν ἵνα μάθῃς ὡς μιᾶς πόλεως ἐγένου ποιμὴν, τοῦτο δὲ τὸ σχῆμα τῆς ἀρχῆς ὁποῖον, ὡς οὐ δεσπότης εἶ καὶ τὰ σαυτοῦ δίδως τοῖς ἄλλοις οἰκονομεῖν,
- 20 πρὸς τὴν ὅλην ἀρχὴν καθάπερ διακόνοις ἐκεῖνοις χρώμενος, ἀλλ' ἐνὸς δεσπότητου πάντες περιέπετε νύμφην καὶ ὅπως καλὴ καὶ ἁμωμος αὐτῷ τηρηθῇ φροντίζετε, καὶ ἱεῶσθε πάντες ὁμοίως διὰ τὴν ἐκείνου χάριν, τοῦτο μόνον ἀλλήλοις, τὴν χεῖρα, δανείζοντες. οὔτε τοῖνυν ἐκείνων παρακερδανεῖς οὐδὲν, οὔτε τῶν ὑπὸ χεῖρα μὴ βουλομένων· οὐ γὰρ ἀπαι-
- Fol. 261^v τήσεις αὐτὸς οὐδὲ βιάσῃ, κἂν ἐκείνους || ὁ νόμος κελεύῃ τῶν ὄντων ὑμῖν κοινωνεῖν, ἢ τὸν ποιμένα ἀπολέσεις· οὐ γὰρ ἂν δύναιο ποιμὴν ἔτ' εἶναι μισθοφορῶν, ὅτι ποιμαντικῆς καὶ μισθαρινίας πολὺ τὸ μέσον. ἐπεὶ μὴδ' ἄλλο τι καλέσεις ὃ λαμβάνεις ἢ μισθὸν, τὸν τρόπον τοῦτον λαμβάνων.

42. Ἔστι μὲν γάρ τι καὶ τοῖς ἀγαθοῖς ποιμέσι παρὰ τῶν ἀρχομένων, καὶ λαμβάνουσιν, ἀλλ' εἴ τις ἐκὼν δίδωσι· δοῦναι δὲ μὴ βουλομένοις οὐκ ἐνοχλοῦσιν. ὃ τοῖς μὲν διδοῦσιν εὐγνωμοσύνης ἀπόδειξιν ἔχει, τὸν ποιμένα δὲ οὐδὲν μᾶλλον εἶναι ποιεῖ μισθωτὸν· οὐ γὰρ ἀπὸ τῆς γνώμης τῶν
- 5 διδόντων, ἀλλ' ἐξ ὧν ἐκεῖνοι βούλονται καὶ γινώσκουσι, κρινοῦμεν αὐτοὺς καὶ καλέσομεν. σὺ δὲ ἀπαιτῶν, εἰ μὲν εἰκὴ καὶ οὐδενὸς χάριν, ἀδικεῖς καὶ τὰ ληστῶν ποιεῖς· εἰ δ' ὅτι ποιμὴν εἶ, τῆς ἱερωσύνης μισθὸν λαμβάνεις. καὶ ἔν' εἰδῆς ὡς τοῦτ' ἐστὶ μισθὸν ἔχειν, οὐ τὸ λαμβάνειν ἀπλῶς, ἀλλὰ τὸ ἀπαιτοῦντα λαμβάνειν, σκέψαι τὸν παρὰ τῶν ἀνθρώπων τῆς ἀρετῆς ἔπαι-
- 10 νον, τίσι γίνεται τῶν ἔργων μισθὸς· οὐ τοῖς ζητοῦσι καὶ πάντα

41,15 νόμος cf. testimonia ad 40,21.

21 cf. Cant. 4:7.

42,10 cf. Mat.6:2, 5, 16.

41,22 ^β τηρηθῇ ^α αὐτῷ P

ποιοῦσιν, ἀφ' ὧν ἂν λαβεῖν δυνηθεῖεν; τοῖς γὰρ πρὸς θεὸν μόνον ὁρῶσιν ἔστι μὲν καὶ τὰ παρὰ τῶν ἀνθρώπων ἄθλα, τῶν ζώντων πρὸς ἐπίδειξιν οὐδὲν ἦττον, ὅτι δὲ αὐτόματα καὶ μηδὲν ὑπὲρ αὐτῶν μηχανωμένοις, οὐ λογίζεται μισθός.

43. Ὡς μὲν οὖν μισθοφορεῖς, δεικνύειν οὐ δεῖται λόγον. τοῦτο δὲ πρὸς τῷ αἰσχυρῷ καὶ οὕτω σοι μεγάλην ἔχει ζημίαν, ὥστ' εἰ καὶ δικαίως ἀπήτεις καὶ τοῖς εἰσφέρουσιν οὐδὲν ἐπήγε βλάβος ἢ χορηγία, τῶν κερδῶν δικαίως ἂν ἐξέκρουσε τούτων. πρῶτον μὲν γὰρ οὐδεμία σοι κείσεται παρὰ τῶν ἀρχομένων εὐνοια, ἐπεὶ οὐδ' ὀφείλεται, ἀλλὰ καθάπερ τοῖς χειροτέχναις τῶν ἔργων ὅτι καταβάλλουσι τοὺς μισθοὺς οὐδεμίαν εἰσονται χάριν. ἔστι μὲν γὰρ πολλὴ χρεία ταῖς πόλεσι τούτου τοῦ γένους, καὶ τις ἐκβάλῃ τοὺς ἀνδρας, οὐδὲν κωλύει πᾶσας εὐθὺς ἀπολωλέναι τὰς πόλεις· καὶ γὰρ καὶ ἐνδύσασθαι καὶ σιτήσασθαι καὶ οἰκῆσαι καὶ ὑποδύσασθαι, καὶ ἀρόσαι καὶ πλεῦσαι καὶ τείχῃ περιβαλέσθαι καὶ ὄπλα, καὶ τᾶλλα δι' ὧν ἡμῖν ὁ βίος εὖ ἔχει καὶ συνέστη τὴν ἀρχὴν, || χειροτεχνῶν ἔργα· καὶ εἰρήνης καὶ πολέμου τυγχάνειν καλῶς, καὶ διαφέρειν τῶν καιρῶν ἐκάτερον ἢ προσήκόν ἐστι καὶ συμφέρον, ἀμήχανον, μὴ τούτων τὰ αὐτῶν ἡμῖν εἰσαγόντων. τί δὲ τὸ κωλύον σωτήρας αὐτοὺς ἡγεῖσθαι καὶ ὑπερφилεῖν καὶ κοινούς εὐεργέτας καὶ οἰκιστὰς καὶ πολιούχους καὶ τὰ τοιαῦτα ὀνομάζειν; ὁ μισθός, οὗτος γὰρ πάντα αὐτοὺς ἀφαιρεῖται ταῦτα καὶ τῶν πολλῶν οὐκ ἔῃ εἶναι βελτίους, τῶν τε μεγάλων τούτων ἀγαθῶν τοὺς εὖ παθόντας ὀφειλέτας ἔχειν οὐ συγχωρεῖ· ἀλλ' οἱ μὲν ὑπὲρ τῶν συνεχόντων ἡμῖν τὸν βίον ταλαιπωροῦνται καὶ πονοῦσιν, οἱ δὲ διὰ τοὺς ἐκείνων πόνοὺς εὖ πράσσοντες τῶν μὲν ὡς οὐδενὸς τῶν ἀγαθῶν αὐτοῖς αἰτίων ὑπερορῶσιν, ἑαυτοῖς δὲ καὶ τοῖς ὀβολοῖς τὴν χάριν γινώσκουσι· τὸν ἴσον τρόπον καὶ σὲ τὸ μισθοφορεῖν εὐνοίας ἀπάσης, αἰδοῦς ἀπάσης ποιμένι πρεπούσης ἀποστερεῖ.

44. Μὴ γὰρ ἀπατῶ τοῖς φαινομένοις μηδὲ πρᾶγμα εἶναι νόμιζε τὴν σκηπὴν, εἰ σε πάντων φίλτατον καλοῦσι καὶ τιμιώτατον, ἀλλὰ τὰ μὲν εἶναι τοῦ δέους, εὐλαβουμένους μή τι χεῖρον εἰς αὐτοὺς ἐργάσῃ κακὸν, καθάπερ καὶ ἀνδραποδιστὰι τοῖς ἀλούσι τίμιοι καὶ τύραννοι καὶ λησταὶ τοῖς κατασχεθεῖσι καὶ τυραννουμένοις εἰσὶν· ἂν δ' ὑπερβὰς τὸ προσωπεῖον ἐξετάσῃς τὴν γνώμην καὶ τὰ ἐνδον ἴδῃς καλῶς, σπαντὸν εὐρήσεις ἐκεῖ ποιμένος μὲν ἔχοντα μηδὲν, φαῦλον δέ τινα καὶ οἰκτρὸν ἀνθρώπου, χειρωνακτῶν καὶ καπήλων οὐδὲν βελτίω. ὁ τίνος οὐ χεῖρόν ἐστι ζημίας, εἰ τὰ πάντων φαυλότατα τῆς θαυμαστῆς ταύτης ἀπολαύσεις ἀρχῆς, οὐ ψυχὰς ἀνθρώπων ἐλῶν, οὐ γνώμας δουλωσάμενος, οὐ φιληθεῖς πρὸς ἀλήθειαν, οὐ τιμηθεῖς, ἀλλ' ὥσπερ ἐν τοῖς δράμασιν οἱ τοὺς ὑπάτους καὶ τοὺς στρατηγούς εἰσιόντες, σχῆμα μόνον καὶ πλάσμα κερδάνας τιμῆς. ἔπειτα οὐδὲ τὰ πρὸς ἀνθρώπους δυστυχεῖς μόνον οὐδὲ μέχρι τούτου τὴν ζημίαν ἴστησιν ὁ μισθός, ἀλλὰ καὶ τῶν ἐν οὐρανῷ γερῶν ἐκβάλλει, τῶν τοῖς ποιμέσιν ἀποκειμένων· οὐ γὰρ ὀφειλέτην ἔτι τῆς ἱερωσύνης τὸν Χριστὸν ἔξεις, τὸ χρέος ἅπαν διαλυσάμενος ὀβολῷ· || ἀδύνατον γὰρ ἐκείνων τε μὴ διαμαρ-

43,14 κωλύον P

44,8 χείρων P

τέιν καὶ ταῦτα λαβεῖν, ἀλλ' ἀνάγκη θάτερον. ἐπεὶ μηδὲ τῶν πένησι
 χορηγούντων ἢ νηστευόντων ἢ προσευχομένων, οἳ τὸν θεὸν ἀθλοθέτην
 ἔχοντες τῶν ἔργων οὐκ ἀγαπῶσιν ἀλλὰ καὶ τῶν παρὰ ἀνθρώποις ἄθλων
 20 ἔρῳσιν, καὶ τούτων κακείνων δυνήσονται τυχεῖν, ἀλλ' ἐνταῦθα τῆς ἀμοι-
 βῆς τὸ πᾶν ἔχουσιν· ἀπέχουσι γάρ, φησι, τὸν μισθὸν
 αὐτῶν. καὶ ὥσπερ ἐκείνους οὐκ ἔστιν ἐν τῷ καιρῷ τῶν στεφάνων
 ἐλεημοσύνην ἐπιδείξασθαι ἢ ἐγκράτειαν ἢ ἄλλην ἡντινοῦν ἀρετὴν, ἥς τὸ
 25 ἔργον ἐν τῇ γῇ μικρᾶς ἀπέδοντο δόξης, οὕτως οὐδὲ σὺ μετὰ τῆς ἱερωσύνης
 τότε φανήσῃ τῷ δικαστῇ. καὶ πῶς ἀνέξῃ μετὰ τῶν ἰδιωτῶν τότε στῆναι
 καὶ τοῦ σεμνοῦ τούτου σχήματος ὀφθῆναι γυμνός, ἀπάσης ὁρώσης τῆς
 οἰκουμένης;

45. — Τί οὖν ὁ Χριστὸς εἴ γε τὸ μισθοφορεῖν τοσούτων αἴτιον γίνεται
 κακῶν, ἐκ τοῦ εὐαγγελίου ζῆν ἐπιτρέψας μισθὸν ὀνομάζει τὸ
 πρᾶγμα; ἄξιός γάρ, φησιν, ὁ ἐργάτης τοῦ μισθοῦ αὐτοῦ. —
 ἀπὸ τῆς γνώμης τῶν προσαγόντων, μεθ' ἧς δεῖ προσάγειν, οὕτω καλεῖ,
 5 ἵν' εἰδῶσιν ὡς οὐ χάριτας καταβαλοῦσι τοὺς διδασκάλους τρέφοντες, ἀλλὰ
 χρέος ἐκτίσουσιν. τοῦτο δὲ αὐτοὺς, ὅπερ εἶπον, οὐ ποιεῖ μισθωτοὺς, ἀλλ'
 ὅταν αὐτὸς ἑαυτὸν εἰς μισθοφορὰν καταστήσῃ, ὅταν προῖσχύμενος τὴν
 ἱερωσύνην τὰ τοιαῦτα ἀπαιτῇ. δεῖ τοίνυν καὶ τῶν ἀναγκαίων ἐνδεῶς ἔχοντα
 τὸν ἱερέα καὶ παρ' ἐκόντων λαμβάνειν καὶ μηδὲν ὑπὲρ τὴν χρεῖαν, εἴ γε
 10 μέλλει ποιμένος πρᾶγμα ποιεῖν καὶ τὸ σχῆμα σφύζειν· εἰ δὲ μὴ, μισθωτὸς
 ἀκούσει καὶ κάπηλος καὶ τὰ τοιαῦτα ὀνειδῇ. λέγω δὲ μισθωτὸν, ἃν γε
 αὐτὸν ὑποθῶμεν μηδὲν βλάπτοντα ἢ ἀδικούντα λαμβάνειν· ὅταν δὲ καὶ
 ταῦτα προσῇ, ὥσπερ οὖν πρόσεστι, τοσούτον τοῦ μισθωτοῦ χεῖρων
 ἐκείνος, ὅσον ὁ μὲν οὐχ ἴσταται πρὸς τὸ βλάπτον καὶ τοσούτον ἀδικεῖ
 15 μόνον, ἀλλὰ θεωρεῖ, φησι, τὸν λύκον ἐρχόμενον καὶ ἀφίησι
 τὰ πρόβατα καὶ φεύγει, ὃ δ' ἀντὶ λύκων μυρίων τῇ ποίμνῃ
 γίνεται. τὸ γὰρ ἀπαιτοῦντα καὶ βιάζόμενον λαμβάνειν πρῶτον μὲν τοὺς
 ποιμένας ἀδικεῖν ἔστι καὶ παρανομεῖν, ἔπειτα καὶ βλάβος ἔχει τοῖς
 Fol. 263^r ἀρχομένοις, οὗ τι μικρὸν || οὐδ' οἷον ἂν καὶ περιοφθῆναι δικαίως.

46. Ὡς μὲν γὰρ ὀφειλέται τοῖς ποιμέσιν ἐκείνοι καὶ τροφήν, ἐπειδὴν
 δέονται, χορηγεῖν καὶ ἱμάτιον ἀπὸ τῶν ἐνόντων, εἴποι τις ἂν οἶμαι νόμος·
 τὸ δὲ τοὺς ποιμένας ἄκοντας ἔλκειν αὐτοὺς καὶ βιάζεσθαι πρὸς τὴν λει-
 τουργίαν, καθάπερ οἱ τῶν πολιτικῶν πράκτορες χρημάτων ποιοῦσιν, οὐδεὶς

44,21 Mat.6:2, 5, 16.

45,2 I Cor.9:14, cf. Can. Apost. 41.

3 Luc.10:7; I Tim.5:18.

6 εἶπον cf. 42,4.

15 Ioh.10:12.

46,2 νόμος *bullā aurea* Isaacii Comn. a. 1085, cf. Doelger, *Regesten*, nro 1127; *decretum* Nicolai Grammatici Patr. a. 1086 sive 1101, cf. Grumel, *Regestes*, nro 942; Blastares in *Syntagmate*, edd. Rhallés-Potlès, V, 515; *decretum* Isidori Patr. a. 1347, edd. Miklosich-Mueller, I,256; *decretum* Callisti Patr. a. 1354, edd. Miklosich-Mueller, I,335.

- 5 ἐκέλευσε νομοθέτης, οὐδ' ἔχουσιν εἰπεῖν· τοῦναντίον μὲν οὖν, μὴ
 ἔκ τινος ἀνάγκης ἢ βίας, φησι, καὶ ἕκαστος καθὼς προ-
 αιρεῖται τῇ καρδίᾳ, καὶ ποιμαίνετε τὸ ἐν ὑμῖν ποί-
 μνιον μὴ ἀναγκαστῶς μηδ' αἰσχροκερδῶς. οὐ γὰρ εἴ-
 τις εἰσφέρειν ὅτιοῦν ἐστι δίκαιος, ἤδη καὶ μὴ βούληται τοῦτ' αὐτὸ ποιεῖν
 10 καὶ διδόναι, καὶ ἄκων εἰσφέρειν ἂν εἴη δίκαιος· ἐπεὶ καὶ τοὺς σπουδαίους
 αἰδεῖσθαι καὶ σέβειν καὶ στεφανοῦν ὑπόχρεω καθέσταμεν πάντες, καὶ οἱ
 περιορῶντες δεινὰ ποιοῦσιν, ἀλλ' οὐκ ἀπαιτήσουσιν ἐκεῖνοι τὰς τιμὰς· εἰ
 δ' ἀπαιτήσουσιν, οὕτω σφόδρα ἀδικήσουσιν, ὥστε καὶ τὰς ἐσχάτας τίσουσι
 15 δίκας, εἴ γε τιμωριῶν ἢ μεγίστη τοῖς νοῦν ἔχουσι τοὺς πόρους ὑπομένοντας
 τοὺς ὑπὲρ ἀρετῆς ψευσθῆναι τῶν ἄθλων· ἀπέχουσι γάρ, φησι,
 τὸν μισθὸν αὐτῶν. — τὸν δὲ Χριστὸν οὐ θρέψαι διὰ τῶν
 πενήτων ὀφείλεται πᾶσιν, καὶ τοῦτο νόμος ἐστὶν αὐτοῦ καὶ τοῖς ὑπερβαί-
 νουσιν ἢ γέεννα κείται δίκη; — ἀλλ' οὐδεὶς ἐπὶ τοῦτο τοὺς μὴ βουλομένους
 ἔλκειν ἀξιώσειεν ἂν· τὸ δ' αἴτιον, ὅτι καὶ οὗτος ἀκείνους ὁ νόμος καὶ τὰ
 20 τοιαῦτα πάντα ὀφλήματα οὐχ ὑπὲρ τῶν εἰ πασχόντων τοσοῦτον, ὅσον
 ὑπὲρ τῶν εἰ ποιούντων ἐπειροήθη, ἵνα τὴν τῶν ὁμοφύλων ἀγάπην ἐν αὐτοῖς
 αὐξήσῃ καὶ πρὸς ἀρετὴν ἀλείψῃ καὶ πρὸς εὐγνωμοσύνην ἀσκήσῃ, καὶ
 τοὺς εὐεργέτας ἐπιγινώσκειν παρασκευάσῃ. ἀλλ' εἰ μὲν ἐκόντες καὶ προθυ-
 μούμενοι τοῦτο ποιοῦσι, τὸ τοῦ νόμου βούλημα περαίνεται, καὶ ἐλεήμονα
 25 καὶ εὐγνώμονα καὶ πρὸς ἀρετὴν ἔχουσιν διὰ τῶν ἔργων τούτων κατα-
 σκευάζουσιν τὴν ψυχὴν· εἰ δ' ἄκοντες, οὔτε φιланθρωπίαν οὔτε ἄλλην
 ἀρετὴν αὐτῇ προσέθηκαν οὐδεμίαν, καὶ τὴν οὖσαν ἐξέβαλον, καὶ τὸ μῖσος
 εἰργάσαντο μείζον καὶ μυρίαν ταῖς ψυχαῖς ἐδέξαντο βλάβην.

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47. Ὁ τοίνυν ἀξιῶν διὰ τὸν νόμον καὶ ἄκοντας ἐπὶ τὴν χορηγίαν ταύτην
 ἐλαύνειν, λέληθεν || ἑαυτὸν κατὰ τοῦ νόμου τοῦτο ποιῶν καὶ ἀδικῶν καὶ
 παρανομῶν, δι' ὧν νομίζει τῷ νόμῳ καὶ τῷ δικαίῳ βοηθεῖν. εἰ δὲ καὶ ταῦτα
 νόμος ἦν καὶ ἐξῆν, ἔδει συννορᾶν τὸ τῶν πολλῶν συμφέρον, τὸ τοῦ Παύλου
 5 λογιζομένους· πάντα μοι ἔξεστιν ἀλλ' οὐ πάντα συμφέρει.
 εἰ μὲν σπαντὸν ζητεῖς ὠφελεῖν, καὶ τοῦτο μόνον ἀπὸ τῶν λειτουργιῶν, ὅτι
 ἂν κερδάνῃς, ζητεῖς, οὐ προορώμενος τοὺς εἰσφέροντας μή τι καὶ βλάβος
 ἀπὸ τῆς λειτουργίας αὐτοῖς ἀπαντήσῃ, δῆλος εἶ μὴ τὰ πρόβατα
 βόσκων, ἀλλὰ σαυτὸν, καὶ τῶν ποιμένων ἐκείνους μιμούμενος,
 10 οἱ τὸ παχὺ σφάζουσιν καὶ τὸ πλανώμενον οὐκ ἐπιστρέ-
 φουσιν, καὶ τὸ συντετριμμένον περιορῶσιν. εἰ δ' ὑπὲρ τῶν
 διδόντων λαμβάνεις, σκέψαι τὸν τρόπον καθ' ὃν λαμβάνων ὀνήσεις ἐκείνους,
 οὐ βλάβεις· τίς δὲ ἐκείνος; ἂν τὴν γνώμην ἀναμένης. εἰ γὰρ παρὰ μὴ
 βουλομένων καὶ ἀπειλῶν αὐτοῖς καὶ καταρώμενος καὶ θοῖμάτιον ἐνεχυ-
 15 ριάζων λάβοις, τὸ μὲν ἀργύριον ἔχεις, τὸν ἄνθρωπον δὲ ἀπώλεσας· οὐκ
 ἄδηλον γὰρ, ὥς ἀποστραφήσεται καὶ μισήσῃ καὶ βίαιον ἡγήσεται καὶ

46,5 II Cor.9:7.

7 I Petri 5:2; cf. Can. 4 Conc. Nic. Secundi.

15 Mat.6:2, 5, 16.

16 Mat.25:35–46.

47,5 I Cor.6:12.

8 sqq., cf. Ezech.34:1–4.

πλεονέκτην καὶ οὐδὲν ἡμερώτερον τῶν φορολόγων αὐτῶν. τούτου δὲ αὐτοῖς
 μείζων οὐδεμία γένοιτ' ἂν βλάβη. ἔστι μὲν γὰρ τὸ πάντων λυσιτελέστατον
 ποιμένας εἶναι· τὸ γὰρ τὴν σωτηρίαν ἡμῖν ἐργαζόμενον καὶ τὰ ἡμέτερα
 20 πάντα συνέχον, ἱερωσύνη. τούτου κακὸν ἀντίρροπον, τοῦναντίον, ποιμένας
 μὴ εἶναι· ταύτην ἐν τοῖς πονηροῖς τὴν τάξιν ἔχον, ἣν ἐν τοῖς ἐπαινουμένοις
 ἐκείνο. τούτου δὴ τοῦ πονηροτάτου, λέγω τοῦ ποιμένων ἐρήμους εἶναι τὰς
 πόλεις, τὸ παρόντας τοὺς ποιμένας μισεῖσθαι τοσοῦτο χεῖρον κακὸν,
 ὅσο τὸ μὲν ἔστι μηδὲν παρ' ἐκείνων ὠφελεῖσθαι, τὸ δὲ καὶ βλάπτεσθαι.

48. Ταῦτα καὶ τοὺς ἐν τοῖς φροντιστηρίοις μοναχοὺς ὑμῖν ἐξεπολέμωσε,
 καὶ οὐδὲν οὕτως ἐχθρὸν ὡς ἐπίσκοπος μοναχοῖς, οἱ παριόντι μὲν ὑπο-
 χωροῦσι δεδοικότες, ὥσπερ τυράννῳ, λάθρα δὲ τὰ δεινότερα καταρῶνται καὶ
 τὴν παρουσίαν ἐκτρέπονται καὶ τὴν θέαν ὥσπερ Γοργόνος· κἄν τινος
 5 ἀφορμῆς λάβωνται, κακηγορίας προσέθηκαν, καὶ πάντα ζητοῦσιν ἀφ' ὧν
 ἂν βλάβαιεν· κἄν τίς τι τοιοῦτον εἴπῃ, φίλος οὗτος αὐτοῖς καὶ λέγων
 ἡδὺς· ἂν δ' ἀποθάνῃ, || χαίρουσι μᾶλλον ἢ εἰ ληστῶν ἐκράτησαν. εὗχονται
 δὲ μάλιστα μὲν εἰ οἷόν τε, μηδένα τὸν θρόνον λαχεῖν, εἰ δ' ἀνάγκη, μακρὸν
 γοῦν τινα χρόνον ἔρημον ἐστάναι τοῦ καθημένου, ἢ καὶ τὸν ἄρξαντα
 10 τῆς ἀρχῆς εὐθὺς ἐκπεσεῖν· ἂν δὲ μακρὸν βιώῃ καὶ τὸν θρόνον ἔχῃ, δυσ-
 νασχετοῦσι καὶ πρὸς τὸν θεὸν βοῶσι, καὶ καθάπερ οἱ μετὰ δεσμῶν δον-
 λεύοντες βοῇ καὶ δάκρυσι τὸν ἐλευθέριον ἐνταῦθα καλοῦσι. καὶ ταῦτα
 ποιοῦσιν, οὐχ ὅτι νόμων πρὸς αὐτοὺς ἐκείνος μέμνηται καὶ φιλοσοφίαν
 ἀπαιτεῖ καὶ τῶν ιδρώτων γέμοντα βίον, καὶ διὰ τοῦτο πικρὸς αὐτοῖς ἔστι
 15 καὶ χαλεπὸς ῥαθυμοῦσιν, ἀλλ' ὅτι φόρους εἰσπράττει καὶ τὰς τροφὰς
 εἰς στενὸν καθίστησι καὶ τὴν πενίαν αὐτοῖς ἐπιτρίβει καὶ διπλὴν εἰς αὐτοὺς
 ἐπιδείκνυται τὴν μισανθρωπίαν, οὔτε τῶν σωμάτων φειδόμενος, καὶ τὰς
 ψυχὰς αὐτοῖς ἀπολλυμένας τῷ πρὸς αὐτὸν ἀπεχθῶς ἔχειν περιορῶν. πόσους
 οἶει πένητας ἐν τοῖς φροντιστηρίοις εἶναι, καὶ τούτους πρεσβύτας καὶ
 20 πανταχόθεν οἰκτροὺς, οἷς μυρίων δεομένοις βοηθημάτων πρὸς τὴν
 παντοδαπὴν ἀρρώστιαν, οὐδ' εὐτελοὺς ἄρτου μέτεστιν, ὅσος ἂν παύ-
 σειεν αὐτοῖς τὸν λιμὸν; τοὺς δὴ τοιούτους ἀνθρώπους λωποδυτεῖς ἐν
 τῷ μέρει, τὴν κοινὴν οἰκίαν συλῶν, καὶ δέον οἴκοθεν καὶ παρὰ σαντοῦ
 ποιεῖν εὖ, παραμυθίαν ταῖς συμφοραῖς μηχανώμενον, οὐ παρατρέχεις
 μόνον οὐδὲ μεταδίδως οὐδὲν, ἀλλὰ καὶ τῆς οὔσης τροφῆς ἀφαιρεῖς καὶ
 25 παρατρώγεις τῆς μάζης. καὶ οὐ δέδοικας τὴν τοῦ πλουσίου δύσιν καὶ
 τὴν ἀπὸ τῆς φλογὸς οἰμωγὴν καὶ τοῦ Ἀβραὰμ τὴν κατ' αὐτοῦ ψῆφον,
 καίτοι πολὺ τοῦ πλουσίου ἐκείνου περὶ τοὺς Λαζάρους τούτους ὠμότερος
 ὢν; ὁ μὲν γὰρ παρῆει μόνον μηδεμιᾶς ἀξιώων προνοίας τὸν ἄνθρωπον, σὺ
 δὲ τὸ κακὸν αὖξεις, καὶ ποιεῖς ἀφ' ὧν ὁ λιμὸς αὐτοῖς ἀγριώτερος ἔσται
 30 καὶ βαρύτερον τὸ γῆρας καὶ ἡ νόσος χαλεπωτέρα. καὶ ταῦτα τίς ὢν, καὶ
 τίνας; ὁ πατήρ, ὁ κηδεμὼν, τὰ τέκνα, τοὺς πρὸς σὲ βλέποντας.

49. — Ἄλλ' εἴ τους φόρους ἀνήσω, φησὶν, οὐδὲν ἄμεινον ἐκείνοι πράξου-
 σιν· οὐ γὰρ πρὸς ἐκείνους ἦξει τὸ παρεθὲν, ἀλλ' ἐτέρων ἔσται κέρδος πλου-
 τούντων. — οὐκοῦν ἐπεὶ καλῶς ποιοῦν τοὺς πλεονέκτας διαφυγὸν εἰς τὰς σὰς
 264v ἐνέπεσε || χεῖρας τὰργύριον ἢ το σιτίον ἢ τὸ ἱμάτιον ἢ ὅτιοῦν, ὃ λαμβάνεις,

- 5 τί μὴ τῶν πενήτων τούτων αὐτίκα γίνεται; ἢ τὴν ἐνίων πλεονεξίαν τί μὴ
 κολάζεις, ἐξόν σοι; οὐ γὰρ ἐκείνους μᾶλλον ἢ σαυτὸν αἰτιάσῃ τῶν ἀδι-
 κημάτων τούτων, καὶ τῆς ὀφειλομένης δίκης πρὸς τούτων αὐτὸς ὑπεύθυνος
 εἶ, ὃς αἰρῇ τοὺς διανομεῖς, καὶ δοκιμάζειν καὶ διορθοῦσθαι καὶ παύειν καὶ
 κολάζειν κύριος εἶ. καὶ τί λέγω κόλασιν; εἰ γὰρ τοῦτο μόνον εἴποισ καὶ
 10 προδείξης, ὡς ἐλαττουμένων ἐν ταῖς κοιναῖς διαδόσεσι τῶν πενήτων χαλε-
 πῶς ἔξεις, τὸ πᾶν ἤνυσας. ἀλλ' οἶμαι σκῆψις ταῦτα καὶ λόγος ἄλλως καὶ
 οὐδὲν ὑγιές· ὑμεῖς δὲ ὡς ἀδικεῖτε φορολογοῦντες, καὶ ὅτι τοῦτ' ἐστὶν ὃ
 πάντα ἀνατρέπει καὶ πᾶσαν εἰσάγει κακίαν καὶ τὴν πρὸς ὑμᾶς ἀγάπην
 ἐκβάλλει καὶ τὴν αἰδῶ καὶ ψυχὰς ἀπόλλυσι, πανταχόθεν γίνεται δῆλον.
 15 σὺ δὲ λέγοις ἂν τῶν ζημιῶν ποτέραν ἡγήθῃς κουφοτέραν, τὴν τῶν ἀδελφῶν
 ἢ τῶν ὀβολῶν· καὶ τῶν ὀνομάτων σαυτῷ ποτέραν αἰρῇ μερίδα, τὸν
 μισθωτὸν καὶ τὸν λύκον, ἢ τὸν ποιμένα;

50. — Ναί, φησι, τὸ δὲ μακρὸν ἔθος ποῦ θήσεις; οὐ γὰρ χθὲς
 καὶ πρώην ἤρξατο ταῦτα· τὴν δὲ συνήθειαν ἀντὶ νόμου
 κρατεῖν οἱ νομοθέται φασίν. — ἀλλὰ μάλιστα μὲν οὐχὶ πάλαι
 ταῦτ' ἐτολήθη, οὐδὲ συνεχεῖς τοὺς τοιούτων ἐργάτας ἔχεις εἰπεῖν· ἔπειτα

- 5 συνήθειαν οὐ ταύτην ὁ νόμος συνίστησιν, εἴ τι πολλοῖς ἀπλῶς ἐπράχθη
 καὶ πολλὸν χρόνον, ἢ γὰρ ἂν πολλὰς τῶν ποινηριῶν ἐκύρωσεν, ὡς ἂν πολ-
 λάκις παρὰ πολλῶν τολμηθείσας, ἀλλ' ἐκεῖνο κύριον εἶναι καὶ νόμων
 ἰσχὺν ἔχειν οἱ νομοθέται φασίν, ὃ πρὸς τῷ εἰωθὸς εἶναι καὶ ψήφου
 τετύχηκε δικαστῶν. ἀνάγνωθι τὸν νόμον· τότε κεχρήμεθα τῇ
 10 συνηθείᾳ τινὸς πόλεως ἢ ἐπαρχίας, ὅτε ἀμφισβητη-
 θεῖσα ἐν δικαστηρίῳ ἐβεβαίωθη. καὶ πάλιν· τῆς συνη-
 θείας καὶ τῆς χρήσεως ἢ αὐθεντία οὐκ ἐπὶ τοσοῦτον
 ἰσχύει, ὡς καὶ τὸν λογισμὸν καὶ τὸν νόμον ὑπερνι-
 κᾶν. οὕτω δίκαιον οὐδὲν ὑμῖν αἰ προφάσεις ἔχουσιν οὐδὲ σεμνὸν
 15 οὐδὲ εὐπρόσωπον, ἀλλὰ παρανομεῖτε λαμπρῶς οἱ τύραννοι, νόμον πανταχοῦ
 Fol. 265^r ποιούμενοι τὸ δοκοῦν. ||

51. Ὁ καὶ θαυμάζω, εἰ τὴν μὲν ἰσχὺν ἅπασαν ἀπὸ τῆς ἀρχῆς ἔχετε,
 τὴν ἀρχὴν δὲ ὑμῖν οἱ νόμοι ποιοῦσι, τίνι δυνάμει κατὰ τῶν νόμων χωρεῖτε;
 καὶ ὡς ἔοικεν οὐ δηνάμει νόμων οὐδ' ἰσχύι τῆς ἀρχῆς, ἢ παρὰ τῶν νόμων
 ἔστιν ὑμῖν, ἀλλ' ἰδιωτικὴν τινα δύναμιν εἰσάγοντες τοὺς ἀσθενεστέρους
 5 ὧν οἱ νόμοι κυρίους ποιοῦσιν ἀποστερεῖτε. ἢ δὲ τοιαύτη δύναμις καὶ
 τυράννων γένοιτ' ἂν καὶ πειρατῶν καὶ ληστῶν, οἷς ἀρκεῖ πρὸς τὸ πάντα
 τολμᾶν τὸ χρήμασιν ἢ πλήθει κρατεῖν ἢ ῥώμῃ χειρῶν ἢ τὸ λαυθάνοντας
 ἐπιτίθεσθαι. τί οὖν τὸν τοιχωρῦχον ἢ ὄντιν οὖν τοιοῦτον ἐλαύνεις, τῶν αὐτῶν
 ὑπεύθυνος ὢν; ἢ δεῖξον, ὃ βελτίων εἶ περὶ τοὺς νόμους αὐτός. τί γὰρ
 10 ἐκεῖνος· νυκτὸς πλανᾶται; καὶ τί τοῦτο ἐγκλημα; ἀλλ' ὅτι μεθ' ὅπλων; καὶ

50,1/3 cf. *Basilica* II,1,42; *Epanag.* II,12 (II,241sq., edd. Zepi); *Proch. auct.* XL,32 (VII,316, edd. Zepi).

9 *Basilica* II,1,43(I,39, ed. Heimbach); *Synopsis Basil.* N, VI,22 (V,446, edd. Zepi). *Epanag.* II,12 (II,241, edd. Zepi).

11 *Basilica* II,1,51 (I,40, ed. Heimbach); *Synopsis Basil.* N, VI,30 (V,446, edd. Zepi).

τίς ὀπλίζεσθαι κεκώλυκε νόμος; ἀλλὰ τί τὰ δίκημα; τῶν ὄντων τοὺς μηδὲν ἡδικοκότας ἀποστερεῖ· τοῦτο δὴ τὸ σόν. ἀλλ' οὐ τοιαύτας ἔχει προφάσεις εἰπεῖν; ἀδείας μὲν οὖν τυχῶν, καὶ πλείους καὶ σεμνοτέρας· καὶ γὰρ καὶ πενίαν τὴν αὐτοῦ, καὶ φειδωλίαν καὶ γλισχρότητα τῶν πλουτούντων, καὶ
 15 ὥς οὐ συμφέρει τῷ κοινῷ τῆς πόλεως τοὺς μὲν ἄγχεσθαι λιμῷ, τοὺς δὲ χρυσὸν εἰκῇ κατορύττειν.

52. Πῶς οὖν ἔτι δικάσεις ἢ δημηγορήσεις, τί δέ σου τοῖς ἀρχομένοις ὄφελος ἤδη, παρανόμου καὶ πλεονέκτου καὶ τὰ τοιαῦτα πᾶσι δοκοῦντος; οὔτε γὰρ τοὺς ἡμαρτηκότας ἐλευθέρως ἐλέγξεις, τὰ αὐτὰ σαυτῷ συνειδῶς, ἵνα μὴ τῶν αὐτῶν καὶ οὗτοι γράψωνται, οὔτε παραινῶν τὰ νόμιμα καὶ τὰ
 5 δίκαια πείσαι δυνήσῃ, δι' ὧν πράττετε ὥς οὐδὲν ὑγιὲς οἱ νόμοι δεικνύς· καὶ οὕτω πρόσκομμα κείσῃ τοῖς ἀδελφοῖς εἰς σκανδαλον, ὁ Παῦλός φησιν. οἶσθα δὲ καλῶς τὴν δίκην, ἣ κείται τοῖς τὰ τοιαῦτα τολμῶσιν· ὅπου γὰρ καὶ δικαίως ταυτὶ κτῶμενος ἂ λαμβάνεις, ὅτι βλάπτων ἐν τούτῳ τοὺς πολλοὺς οὐ φροντίζεις, τὴν ἐσχάτην οὐκ ἂν διέφυγες
 10 δίκην, τί χρὴ νομίζειν ὅταν ἐκατέρωθεν ἁμαρτάνῃς, ἐξ ὧν τε λαμβάνεις ἀδίκως καὶ ὧν ψυχῶν ἀπολλυμένων καταφρονεῖς; ἂν γὰρ κἀκεῖνο δῶμεν, ὥς χρηματιζόμενος τὸν τρόπον τοῦτον οὐκ ἀδικεῖς, ὑπὲρ γε τοῦ μὴ δοκεῖν εἶναι τοῖς πολλοῖς παράνομος || ἅπαν κέρδος καὶ δίκαιον εἰκότως ἂν ἔρρύψας. ἐπεὶ καὶ ὁ Σωτὴρ ἔδωκε κῆνσον οἷς ἤδει μηδὲν ὀφείλων, καὶ δίκαιος ὧν
 15 ἀποπέμψαι κενούς, ἐκὼν ἐλειτούργησε, τὴν τῶν πολλῶν φυλαττόμενος βλάβην, ἃ πένητος ἐξῆν ποιῆσαι τροφήν· ἀλλὰ βέλτιον ἐκείνως ἐνόμισεν ἀναλίσκειν, ἵνα μὴ σκανδαλίσωμεν αὐτούς, φησιν. καὶ Παῦλος τὸν ἤδη πεπαυμένον νόμον πληροῦν οὐκ ὤκησε, καὶ περιέτεμε τὸν μαθητὴν, καὶ ὁ μαθητὴς ἠνέσχετο, ἵνα μὴ τοῖς τὰ Ἰουδαίων τιμῶσιν ἀπό-
 20 στοργος ᾗ· σὺ δὲ οὐδὲ τοσοῦτον ὑπὲρ τῶν ἀδελφῶν ὑπομῆναι τολμᾷς, ὅσον ἀγαπήσαι τοῖς οὖσι καὶ τοῖς κειμένοις ἐμμεῖναι νόμοις, ἀλλ' ἵν' ὀλίγους κερδάνῃς ὀβολοὺς ἢ οἰκονομήσῃς, πονηρότατος ἀνέχῃ νομίζεσθαι.

53. Καίτοι προσήκε τοὺς νοὺν ἔχοντας, ἐφ' ἐκάστῳ τῶν πραττομένων μὴ μόνον εἴ τι συμφέρον ἀπὸ τούτων ἀπαντήσῃ σκοπεῖν, ἀλλὰ καὶ εἴ που τῷ λυσιτελεῖ μάχεται, καὶ τοῦτο ζητεῖν· κἂν μὲν τὰ κρείττω νικᾷ, κυροῦν καὶ εἰς τέλος ἄγειν· ἂν δὲ τοῦναντίον, παύεσθαι. σὺ δ' ὅτι μὲν ἀπὸ τῶν χρημά-
 5 των τούτων πένησι χορηγήσεις καὶ τὰ τοιαῦτα, γινώσκεις, ὅτι δὲ ἀπολείται ὁ ἀσθενῶν ἀδελφὸς ἐπὶ τῇ σῇ γνώσει, δι' ὃν Χριστὸς ἀπέθανεν, οὐκ ἐνθυμῇ; καὶ οὕτως ἁμαρτάνων εἰς τοὺς ἀδελφούς καὶ τύπτων αὐτῶν τὴν συνείδησιν ἀσθενοῦσαν, εἰς Χριστὸν ἁμαρτάνεις. οὐ φρίττετε ἀκούων; οὐ δοκεῖ σοι μείζονος ἄξια ταῦτα εἶναι φροντίδος, ἢ πενήτων καὶ πτωχῶν πρόνοια, καὶ
 10 εἴ τι τοιοῦτον εἴποις δημοτικὸν καὶ φιλάνθρωπον; τί τοσοῦτον κερδαίνεις ἐντεῦθεν, ὅσον ἐκείθεν ἀπόλλυς; οὐ τὸ μὲν ψυχῶν ἐστὶν ὄφελος, ὃ ζῆμιον, τὸ δὲ σωτηρία σωμάτων, ὑπὲρ οὗ τὰ μείζω προδίδως; οὐ τὸ μὲν σὸν ἔργον καὶ τῶν οἴος σὺ, τὸ δὲ καὶ πολλῶν ἐτέρων; τί γὰρ οὐκ ἐνθυμῇ, τί ἐστὶν ὑπὲρ

52,6 cf. Rom.14:13.

14 ἐπεὶ — 17 φησιν cf. Mat.17:24-27.

18 cf. Acta Ap.16:1-3.

- 15 οὗ τοῦτον ἔχεις τὸν θρόνον; οὐ γὰρ ἵνα φορολογήσης ἢ μισθοφορήσης ἐκά-
 θισας, ἢ ὅλως ἵν' ἐκ παντὸς πόρου χρήματα συναθροίσῃς ἢ διοικήσῃς·
 20 ὀλίγου μέντ' ἂν ἄξιον ᾖ ἱερωσύνη, τῶν ἐν πρυτανείῳ στρεφομένων ἐπιστα-
 Fol. 266^r μένη πλέον οὐδέν· ἀλλὰ ψυχῶν ἐπιμέλεια καὶ λόγος καὶ διδασκαλία ||
 δογμάτων ὀρθῶν καὶ βίου σώφρονος, καὶ πρὸς θεὸν τοὺς ποιμαινομένους
 ἅπαντας ἔλκειν εὐχῶν δυνάμει καὶ τελετῶν καὶ τῷ καθ' ἑαυτὸν παραδείγματι,
 25 ταῦτα ἱερωσύνη, ταῦτα τῆς ἀρχῆς τὸ σχῆμα, ταῦτα τὸν θεὸν εἰς τὴν γῆν
 ἤνεγκε, ταῦτα ἀποθανεῖν ἔπεισε. τὸ δὲ χηρῶν προΐστασθαι καὶ πένητας
 τρέφειν καὶ τὰ τοιαῦτα εἶναι τεχνίτην, γένοιτο μὲν καὶ τοῦθ' ἱερέων ἔργον,
 ἀλλ' ἐκείνων δεύτερον καὶ σπουδῆς ἐλάττονος, ὅσον ἐκεῖνα μὲν ἀδύνατον
 30 ἱερέας εἶναι τοὺς μὴ κατορθούντας, ταῦτα δὲ καὶ ἰδιώταις ἔξεστι καὶ τῷ
 βουλομένῳ παντί.
54. Τοῖς δὲ ἀποστόλοις οὐδὲ μετ' ἐκείνων καὶ ταῦτα ζητεῖν ἀνεκτὸν
 ἔδοξεν, οὐδ' ἐγγὺς, οὐδὲ μερίζειν εἰς ἀμφοτέρω τὴν σπουδὴν, μὴ τῷ κρείττονι
 κώλυμα γένηται τὸ χεῖρον, ἀλλ' ἑτέροις ταῦτα ἐπιτρέψαντες, ἑαυτῶν
 5 ἐλάττοσι, καὶ τοσοῦτον ὑπὲρ αὐτῶν σπουδάσαντες, ὅσον ἐλέσθαι τοὺς
 διακόνους, τοῦ λοιποῦ τῇ προσευχῇ μόνη καὶ τῷ λόγῳ τοῦ εὐαγγελίου
 προσείχον. οὐκ ἄρεστόν ἐστί, φασιν, ἀφέντας τὸν λόγον
 τοῦ θεοῦ διακονεῖν τραπέζαις. σὺ δ' ὥσπερ ἐκείνοις ἐκάστοτε
 μεμελητηκὼς πολεμεῖν, τὴν ἐναντίαν ἀνταυθα χωρεῖς, καὶ ἵνα καλῶς ἐπι-
 μελήσῃ τῶν τραπεζῶν, μάταιον ἐργάζῃ τὸν λόγον· καὶ τὴν τάξιν διαφθείρων
 10 ἐν τοῖς τῶν μαθητῶν ὀφθαλμοῖς καὶ τὴν περὶσαντοῦ δόξαν δι' ὧν πράττεται
 πονηροτάτην ἐντιθεῖς, ἀπίθανα καὶ ἄπιστα διαλέγῃ, καὶ βοᾷς εἰς τὸν δῆμον
 εἰκῇ, χαλκὸς ἡχῶν, φησιν, ἢ κύμβαλον ἀλαλάζον. οἱ
 μὲν γὰρ τοὺς κειμένους ἀναγινώσκοντες νόμους καὶ τούτῳ τῷ κανόνι παρα-
 τιθέντες τὰ σὰ, παράνομον εὐρίσκουσιν καὶ σκαιὸν· σὺ δὲ ζητῶν ἀπολογίαν
 15 καὶ γρίφους τινὰς ἐννοίας καὶ σκοπὸν νόμων καὶ τὰ τοιαῦτα καταλέγων,
 οὐδένα πείθεις, καὶ τοιοῦτος πᾶσι δοκῶν ἐπὶ τὸ βῆμα ἀναβαίνεις. τίνας
 ἡγουμένης αἰδοῦς, τίνας εὐνοίας, ποῖας πίστεως; ἢ νομίζεις δύνασθαι πείθειν
 τούτων χωρὶς, καὶ ταῦτα περὶ τοιούτων διαλεγόμενος, ἃ πόνων δεῖται καὶ
 20 ἰδρώτων, οἷος ὁ χριστιανὸς ὀφειλόμενος βίος; ὃν γὰρ ἡγοῦνται φαῦλον
 εἶναι καὶ ὃν ἀποστρέφονται, πῶς ἀκούσονται παραινούντος; πῶς δὲ πιστεύ-
 σουσιν ὡς ἀληθῆ λέγεις, ἃ μὴδὲ σὲ τοῦτον πεπεισμένον ὀρώσιν, δι' ὧν
 Fol. 266^v τὴν ἐναντίαν || χωρεῖς; καὶ τοῦτον τὸν τρόπον διαφθείρεται μὲν τὸ ἥθος
 ἐκάστῳ καὶ ἀρετῆς οὐδεὶς ἔσται λόγος, διαφθείρεται δὲ τὰ δόγματα,
 νεκρὰ γὰρ ἡ πίστις τῶν ἔργων χωρὶς, καὶ τῶν ἱερῶν
 25 τελετῶν οὐδὲν ὄφελος, οὐδενὸς πρὸς αὐτὰς παρεσκευασμένου. οὕτω τὰ μέ-
 γιστα πάντων ὑπὲρ τῶν ἐλαχίστων προδίδως καὶ τὴν τάξιν ἣν ἔχεις ἀφα-
 νίζεις καὶ σαντὸν ἀπόλλυς καὶ καταισχύνεις ἐκὼν· καὶ ποιεῖς ὅμοιον ὥσπερ
 εἰ στρατηγὸς ἐπὶ τῆς παρατάξεως, ἐπιλαθόμενος ἐφ' οἷς ἡρέθη καὶ καταβὰς
 30 εἰς τοὺς ὑπηρέτας, τὰ τῶν ἀχθοφόρων ἐπεδείκνυτο καὶ τῶν σκευοφόρων, ἐπ'
 ὀλέθρῳ μὲν ἑαυτοῦ, ὀλέθρῳ δὲ ὧν ἡγήτο.

54,6 Acta Ap.6:2.

12 I Cor.13:1.

24 Jac.2:20; 26.

55. Πῶς γὰρ καὶ ὅλως ἄρξεις ἔτι καὶ ποιμὴν ἔσῃ, πρὸς πειθῶ καὶ λόγους οὕτω φαύλως καὶ κακῶς ἔχων; τί δὲ λοιπὸν, ᾧ δυνήσῃ τὴν ἀρχὴν ἄγειν, εἰ μάτην παραινέσεις καὶ δημηγορήσεις εἰκῇ; τοὺς γὰρ ἱερέας οὐ χερσὶ χρωμένους οὐδὲ βιαζομένους οὐδ' ἔλκοντας, ἀλλὰ πείθοντας μόνον
 5 τὰ αὐτῶν ἀνάγκη πάντα ποιεῖν, εἰ μὴ πολιτικὴν εἶναι νομίζεις τὴν ἐξουσίαν καὶ πρὸς ὑπάτους βλέπεις καὶ ἡγεμόνας καὶ στρατηγούς ἢ ἀγορανόμους ἢ ἀστυνόμους, ὧν βία τὸ πλείστον ἐστὶ τῆς ἀρχῆς· εἰ δ' ἦν ὁ Χριστὸς εἰς τὸ κοινὸν ἐπολίτευσε, ταύτην μιμῇ, παρ' ἐκείνῳ βίαιον οὐδέν, ἀλλὰ τὴν θέλησιν ἐζήτησε πανταχοῦ, καὶ ἵνα ταύτην ἔλῃ πάντα ἐποίησεν. οὐ γὰρ ὅπως
 10 τις τῶν αὐτοῦ νόμων ἀπλῶς ἐργάτης ἔσται σκοπεῖ, ἀλλ' εἰ θελήσει καὶ προθυμηθήσεται, τοῦτο πολλοῦ ποιεῖται τοῦ λόγου· οὐ γὰρ δικαιοσύνης ἔργον, ἀλλὰ δικαίαν ἀπαιτεῖ γνώμην. οἱ μὲν γὰρ πολιτικοὶ τῶν ἀρχόντων τῶν κατὰ νόμον ἔργων οὐδὲν πλέον ζητοῦσι, κἂν ἄκων τις οἷς πράττει τὰ γράμματα σέβῃ, παρανομεῖν αὐτοῖς οὐ δοκεῖ, καὶ
 15 διὰ τοῦτο δεσμὰ καὶ πῦρ καὶ ξίφος αὐτοῖς συνεργάζεται τὴν ἀρχὴν· ὁ δὲ Σωτὴρ, εἰ μὴ καθαρῶς αὐτὴν λάβει τὴν γνώμην, τὸ πᾶν ἀπολλύναι νομίζει. τὸ δ' αἴτιον, ὅτι πρόφασις αὐτῷ τῆς πολιτείας ταύτης καὶ τῆς ἀρχῆς ἕτερον οὐδέν, ἀλλ' ἵν' ἡμεῖς ὦμεν χρηστοὶ χρηστοὺς δὲ οὐκ ἔνι γενέσθαι, μὴ τῇ γνώμῃ τὰγαθὸν ἐλομένους.

Fol. 267^r 56. Ὅτε τοίνυν μόνῳ τῷ πείθειν ἰσχύεις, πιθανὸν δὲ οὐδὲν ἐρεῖς οὐδὲ σπουδῆς ἄξιον οὐδ' || ὠφέλιμον παρ' οἷς δοκεῖς πονηρὸς, τί μὴ πάσῃ σπουδῇ φεύγεις, ἃ ποιῶν δοκεῖς πονηρὸς; οὐ γὰρ μάτην ὁ Παῦλος πᾶσιν οἷς ἡξίωσεν τὸν ἱερέα κοσμεῖσθαι καὶ τὴν ἀγαθὴν προσέθηκε φήμην, καὶ
 5 ὁ Σωτὴρ πρὸ τοῦ Παύλου λαμψάτω, φησὶ, τὸ φῶς ὑμῶν ἔμπροσθεν τῶν ἀνθρώπων· ἀλλὰ σαφῶς ἤδεσαν, ὡς εἰ τοῦτο τις ἀφέλοι τῶν διδασκάλων, τὸ πᾶν ἀνείλε. διὰ τοῦτο καὶ ἀπόστολοι καὶ οἱ μετ' ἐκείνους γενόμενοι τῶν ἀνθρώπων ποιμένες, οἷς ἐμέλησε τῆς τοῦ θεοῦ δόξης καὶ τοῦ μηδένα ἀπολέσαι τῶν ποιμαινομένων, πολλῆς ἐποίησαντο ταῦτα
 10 φροντίδος· ὁ δὲ πάντας τοὺς ἄλλους τῇ περὶ τὸ ποιμαίνειν τέχνῃ παρενεγκῶν Ἰωάννης, οὐ διδασκάλους μόνον καὶ ἱερεῖς ὥθη ταύτης μετεῖναι τῆς σπουδῆς, ἀλλὰ καὶ ἰδιώτας μυρίων κακῶν ὑπευθύνους εἶναί φησιν, ἐὰν πονηρὰν ἑαυτοῖς προστρίψωνται δόξαν. καίτοι ποῦ τοσαύτη γένοιτ' ἂν βλάβη τοῖς πολλοῖς παρ' ἀνδρὸς τὰ αὐτοῦ πράττοντος, ὅση παρὰ τῶν ἐν
 15 ἀξιώμασι καὶ τὰ κοινὰ πολιτευομένων ἐστίν; ἀλλ' ὅμως καὶ τούτους ἐκείνος μεγάλα φησὶν ἁμαρτάνειν, λογίζεσθαι παρέχων ἡμῖν, ὅση τοῖς ἄρχουσι τῆς αὐτῆς ῥαθυμίας κείσεται δίκη· τοσοῦτον γὰρ ἂν εἴη μείζων ἢν ἐκείνοι δώσουσιν, ὅσο μείζω μὲν ὠφελεῖν τὸ κοινὸν ὑπόχρεω κατέστησαν, μείζω δὲ βλάπτουσιν, οὐδ' ὅσον εἰπεῖν. οὐ χεῖρον δὲ καὶ αὐτὰ προσθεῖναι τοῦ ἀν-

55,10 cf. Rom.3:20; 28.

12 cf. Tit.3:5; Rom.4:6.

56,3 Παῦλος I Tim.3:7.

5 Mat.5:16.

55,16 ἀπολλύναι P

56,14 αὐτοῦ P

18 ὠφελεῖν P

20 δρὸς τὰ ῥήματα· οὐκ οἶσθα ὅτι λαμπρὸν ἀποστίλβειν χρῇ
πανταχοῦ τοῦ χριστιανοῦ τὸν βίον, καὶ ὅτι τὴν δόξαν
τις τὴν ἑαυτοῦ καταισχύνας, πανταχοῦ λοιπὸν ἄχρη-
στος ἔσται, καὶ οὐδὲν μέγα κερδᾶναι δυνήσεται, κἂν
μεγάλα τύχη κατορθῶν; ἂν γὰρ τὸ ἅλας μωρανθῇ,
25 φησιν, ἐν τίνι ἰσχύσει λοιπὸν; ἅλας γὰρ ἡμᾶς εἶναι
βούλεται καὶ φῶς καὶ ζύμην ὁ θεὸς, ὥς καὶ ἑτέρους
δύνασθαι τῆς ἐξ ἡμῶν μεταλαμβάνειν ὠφελείας. εἰ γὰρ
ἀλήπτως ζῶντες ἄνθρωποι μόλις τοὺς ἡμελημένους
ἐπιστρέψαι δύναιντ' ἂν, εἰ καὶ λαβὴν δοίημεν αὐτοῖς
30 πῶς οὐ πάντοθεν ὑπεύθυνοι τῆς ἀπωλείας ἐσόμεθα τῆς
ἐκείνων; ὥσπερ γὰρ οὐκ ἔνι βίον ἔχοντα διεφθαρμένον
σωθῆναί ποτε, οὕτως οὐδὲ δόξαν ἑαυτῷ περιθέντα
πονηρὰν, δυνατὸν διαφυγεῖν τὴν κόλασιν.

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57. Εἰ δ' οὕτω μὲν ὁ Χριστὸς ἐποίησεν, || οὕτω δὲ ἐνομοθέτησεν, οὕτω
δὲ ὁ Παῦλος, οὕτω δὲ οἱ τῶν ἱερέων ἄριστοι, ταῦτα δὲ τὸ εἰκὸς ἀπαιτεῖ, σὺ
τίς ὢν ὑπερόπτης εἰ τῶν πολλῶν; οὐκ οἶσθα διὰ τοῦτο σεμνὸς ὢν καὶ ἔντιμος
καὶ τῶν πολλῶν βελτίων, ὅτι τὰ τοῦ Χριστοῦ πράττεις καὶ εἰς ἐκείνον ἀνάγεις
5 καὶ τὸν τῶν ἀποστόλων δρόμον εἴλον τρέχειν καὶ τῶν ἐκείνων ἐκδεξαμέ-
νων; ἂν τοίνυν τὰναντία τούτων πράττων ἁλῶς, τί χρήσιμος ἂν εἴης ἔτι τοῖς
ἀρχομένοις; φέρε γὰρ, πρὸς ταῦτα τῶν ἀρχομένων εἰ τις ἔροιτο· τί οὖν,
εἰ ταῦθ' οἱ μὲν νόμοι κελεύουσιν, ὑμεῖς δὲ ὑπερβαίνετε, τῷ θαρροῦντες ἐπι-
τάττειν ἡμῖν ἀξιούτε· τί ἐρεῖτε; τὴν ἱερωσύνην; ἀλλὰ τοὺς ταύτης κατεπατή-
10 σατε νόμους· πῶς οὖν ἰσχύσετε τοῖς ὅπλοις, οἷς οὐκ ἐχρήσασθε; ἀλλ'
οἰκέτας καὶ δορυφόρους; ἀλλ' οὐ τοιοῦτον ὑμῖν τὸ τῆς ἀρχῆς σχῆμα. τί
οὖν ὑπόλοιπον; ἀνάγκη δυοῖν θάτερον ἀμαρτάνειν· ἢ γὰρ ἀκρόπολιν ζη-
τήσεις καὶ ὅπλα καὶ στρατιώτας ἀφ' ὧν ἰσχύσεις, ἢ τῆς ἀρχῆς ἐκστήση,
μηδὲν ἔχων ἀφ' ὧν δυνήσῃ τῶν ἀρχομένων κρατεῖν.

58. — Ἄλλ' ἀντιλέγοντες ἡμῖν, φησιν, ἀμαρτάνουσι· δεῖ γὰρ, εἴ τι καὶ
πλημμελεῖν δοκοῦμεν, οὐκ αὐτοὺς εἶναι τοὺς ἐπιτιμῶντας, ἀλλὰ ψήφον
δικαστῶν ἀναμένειν. — ἂν παρανομῆς, πάννυ γε· ὁ γὰρ νόμος τοὺς
πρεσβυτέρους τῶν ἐπισκόπων, ἐπειδὴν φανερώς ἀδικούντων αἰσθωνται καὶ
5 παρανομούντων, ἐκέλευσεν ἀποφοιτᾶν, μητὲ συλλόγων μητ' εὐχῶν αὐτοῖς
κοινωνούντας. οὐκοῦν οἱ νόμοι σε τῆς ἀρχῆς ἐκβάλλουσιν, πρὶν εἰς δικαστή-
ριον ἄγειν, καθάπερ τοὺς τὰ δόγματα πονηροὺς, καὶ τῶν ἴσων τοῖς δυσσε-

56,20 Ioh. Chrysost. *Contra eos qui subintrod. hab. virg.* 8 (71,21–72,34 ed. Dumortier).

24 Mat.5:13.

58,1 δεῖ — 3 ἀναμένειν cf. *Canones 13 et 14 Conc. Primi ac Secundi Constantinop.*; Balsamon *ad Can. Apost.* 31 edd. Rhalles-Potles, II,41; Joh. Plusiadenus in Migne CLIX,1381A.

3 νόμος cf. Balsamon *ad Can. Apost.* 31, edd. Rhalles-Potles, II,41; K. M. Rhalles in Πρακτ. Ἀκαδ. Ἀθην. XIII (1938), 758 et n.2.

56,23 κερδάναι P

57,9 ὑμῖν P

βέσι τιμῶσι κακῶν, καὶ τῆς αὐτῆς ἀξιούσι σπουδῆς καὶ τοῦ αὐτοῦ τάχους
τό τε τὴν παρὰ σοῦ βλάβην καὶ τὴν τῶν αἰρετικῶν ἐκτρέπεσθαι λύμην,
10 κρίναντες ὁμοίως ἐπ' ἀμφοῖν, μὴ δικαστήριον ζητοῦντας καὶ ψήφους δικασ-
τῶν διατρίβειν, ἀλλ' αὐτίκα φεύγειν καθάπερ πυρὸς ὁρμὴν, ἵνα μὴ τὸ
πονηρὸν εἶναι χρηστὸν νομισθῇ τοῖς πολλοῖς, ὥς ἂν παρὰ τῷ διδασκάλῳ
καὶ δοκοῦντι νομοθέτῃ τιμώμενον. σὺ δὲ τούτων ἀνέξῃ καὶ τοσαύτην οἴσεις
Fol. 268^r αἰσχύνῃ; ἵνα τί κερδάνῃς, εἰπέ μοι; ||

59. Ὡς μὲν γὰρ ἀδικεῖς ὃν εἴρηται κτώμενος τρόπον, οἱ νόμοι βοῶσι
καὶ τὰ πράγματα φωνῇ ἀφιέντα λαμπρὰν· — τί γὰρ, εἰ σοφίζῃ ποικίλα καὶ
πολλοὺς περιβάλλῃ κύκλους, ὁ δὲ λόγος τῆς ἀληθείας ἀπλοῦς; — ὅτι δὲ
καὶ οὐδεὶς ὑπὲρ ἐκείνων ἐγκαλεῖν ἔχῃ, τόν γε ἄλλον τρόπον παρανομεῖς,
5 πλεονέκτου παρὰ πάντων καὶ παρανόμου δόξαν λαμβάνων, καὶ προδιδούς τὴν
τῶν πολλῶν σωτηρίαν, πρᾶγμα τοσοῦτον ὑπὲρ μικρῶν καὶ φαύλων κερδῶν,
ὁ Χριστὸς ἀπέδειξεν αὐτὸς, καὶ δι' ὧν ἐποίησε καὶ δι' ὧν ἐνομοθέτησε, καὶ
ὁ Παῦλος καὶ οἱ καλοὶ πάντες ποιμένες. οὐκοῦν μηδεὶς ἐξαπατάτω σε λόγος,
ὥς οὐ γέεννης ἄξια ταῦτα καὶ σκότους ἐξωτέρου καὶ τῶν ἐσχάτων
10 κακῶν, ἀλλ' εἴ τί σοι τοιοῦτον ἐπέλθοι, τοῦθ' ἡγοῦ τέχνην εἶναι τοῦ πονη-
ροῦ, τὴν διόρθωσιν ἀναιροῦντος, ἵνα μηδὲ μετανοίας ἡμῖν ὑπολειφθῇ χώρα,
καὶ διὰ τοῦτο προφάσεις ὑποτιθέντος καὶ λογισμοὺς, οἷς πείσει μὴ τολμᾶν
μόνον, ἀλλὰ καὶ χρηστὸν ἡγέισθαι τὸ πονηρὸν. τοῦτον δὲ τὸν λόγον καὶ
ταύτην τὴν χλένην οὕτω φυλάσσειν χαλεπὸν, ὥστε καὶ αὐτὸν δεῖσαι τὸν
15 προφήτην, καὶ τὸν θεὸν κατὰ τοῦ πάθους καλέσαι· μὴ ἐκκλίνῃς γάρ,
φησι, τὴν καρδίαν μου εἰς λόγους πονηρίας, τοῦ προ-
φασίζεσθαι προφάσεις ἐν ἀμαρτίαις. εἰ δὲ καὶ σοφοὶ τινες
καὶ πιθανοὶ δοκοῦσιν οἱ λογισμοί, θαυμαστὸν οὐδὲν· ὁ γὰρ τούτους
ὑποβάλλων σοφός ἐστιν εἰς τὸ κακοποιῆσαι, καθάπερ εἰς τὸ εὖ ποιεῖν
20 ἀσθενῶς ἔχει καὶ ἀνοήτως. σὺ δὲ τῶν τοῦ θεοῦ νόμων ἀκριβῶς ἔχον καὶ τὰ
σαντοῦ πάντα τούτων ἐξάπτων, μηδὲν τοῖς λογισμοῖς ἐπιτρέψῃς· δειλοὶ
γάρ εἰσι καὶ ἐπισφαλεῖς, φησι Σολομών.

60. Ταῦτα ἡμῖν εἴρηται τοῖς μὲν ἀγαθοῖς ἡδονὴν ἔχοντα, τοῖς δὲ
πονηροῖς πολλὴν ἀηδίαν· καὶ ὅπως μὴ εἴπῃς· τί οὖν ἔδει πικρὸν ποιεῖσθαι
τὸν λόγον; οὐ γὰρ ἦν ἄλλως ἐλέγχειν, μὴ πᾶσαν εἰς μέσον ἐνεγκόντα τὴν
αἰσχρότητα καὶ τὴν ἀτοπίαν τοῦ πράγματος. τοῦτο δὲ ποιεῖν ἐχρῆν,
5 ἐλέγχειν τοὺς σοφοὺς, τῇ γραφῇ πειθομένους· πρὸς γὰρ τοὺς
Fol. 268^v μοχθηροὺς οὐδεὶς ἡμῖν ἐγένετο || λόγος, ἀλλ' ἐκεῖνοι μέγα βοήσονται καὶ
κακῶς ἐροῦσι, τοὺς δὲ σοφοὺς οἶδ' ὅτι πείσονται καὶ τιμήσουσι τοὺς
λόγους, καὶ πολλὴν ἡμῖν εἰσονται χάριν· τῷ δὲ θεῷ χάρις, ἀμήν.

59,9 cf. Mat.8:12; 22:13; 25:30.

15 Ps.140 (141):4.

21 Sap. Sol.9:14.

60,5 cf. Prov.9:8 et supra, 1,13.

60,8 τῷ — ἀμήν fortasse secludendum.

III

DISCOURSE CONCERNING ILLEGAL ACTS OF OFFICIALS DARINGLY
COMMITTED AGAINST THINGS SACRED*Summary*

1. Officials (*ἄρχοντες*) who intentionally break the law and are aware of doing evil cannot be influenced and put on the path of righteousness. As they are incurable, the efforts of the persuader would be in vain. There is, however, fair hope for officials who wish to be just in every respect, but who act unlawfully under the deceiving influence of specious reasoning. They might lend a willing ear to persuasion. Therefore Cabasilas will follow Solomon's precept (Prov. 9:8) and disregard worthless officials, while addressing those who are fundamentally good, and pointing out to them their evil actions (if any). He hopes that they will be grateful for the rebuke, which will make them more useful to the community.

2. It follows that if anyone is offended by Cabasilas' speech, he is not one of those at whom the arguments are aimed, and has, therefore, no reason to be offended. If anyone has a right to complain, it is those whom Cabasilas rebukes. A physician who has compounded a medicine for willing patients is not responsible to those who have refused treatment. It would be ridiculous if the chastised were grateful for the chastisement they were receiving, while those not affected cried aloud as if they were being cut. The really evil officials will not be the target of Cabasilas' exhortation; they should expect criminal punishment.

3. Cabasilas, then, wants to instruct officials who are wise and good, loath to betray the laws, desirous of being enlightened and ready to requite this enlightenment with gratitude. Cabasilas' reproaches will be the subject of his treatise. Let the best and most trusted friends of the accused be judges of the affair. If they should be convicted of unlawful actions, the sentence asked is (a) an expression of gratitude to the prosecution, (b) reparation for the wrongs they have committed.

4. Monasteries possess landed property, dwellings, villages, and similar sources of revenue. This property should have been left for the use of the monks to whom it was bequeathed by the original owners. But the accused officials take it away from the monks, partly for their own use, and *partly for that of others*. This applies especially to income *in money and in crops* (wheat, barley, wine) and other produce of the land. Sometimes these officials *allow others to take the peasants, the villages, and the estates them-*

selves. Yet this property belonged to the donors, who were perfectly entitled to give it away; at present it is rightfully owned by the recipients of the donations, who received it either during the lifetime of the donor or by will. Both means of acquisition are equally valid, for it is a legal offense to violate the dispositions of a testament. Nor is it material whether the change of property title was effected through gift or by sale.

5. Furthermore, the accused have accepted bribes before and after the appointment (*χειροτονία*) of other officials. What is worse, the prelates behave in the same way towards ecclesiastics (*ιερούς*). They also confiscate the property of deceased ecclesiastics, even when there are numerous heirs, derive profits from their sees (*πόλεις*), and unlawfully delay the nomination of successors to the deceased.

6. In their defense, (*ad* §4) Cabasilas' adversaries assert that officials have the right to make the final decision as to what is profitable for their subjects. Their relation to subjects, who are often immature, is the same as that of guardians to children whose affairs they administer. Such being the nature of government throughout the world, there is no harm in confiscating a portion of the vast monastic properties, if it is used to feed the poor, to support priests, and to decorate churches. This does not harm the monks, nor is it out of keeping with the original intention of the donors. If, furthermore, these revenues are used to *equip soldiers*, who are going to die in defense of the sanctuaries, the laws, and the *walls*, is not that better than if the same revenues were used by the monks whose material needs are slight? The monks, more than anyone else, stand to benefit from the security of laws and *walls*; it is, therefore, proper that the monks should feed the soldiers, just as servants, peasants, bakers, and builders are fed by means provided by sacred property.

7. (Adversaries' answer to §5): Officials are honest people, they do not misuse public funds for private profit, but look after the welfare of their subjects. Therefore it is harmless and not contrary to law if they accept voluntary contributions from the appointees. People are appointed according to their merit, and their contributions are used for public benefit.

8. (Adversaries' answer to §5 continued): It is legitimate if the emoluments (*σιτήσεις*) of deceased ecclesiastics go to the metropolis, to satisfy the needs of the "common shepherd" and his entourage. Such a practice is supported by I Cor. 9:14. Moreover, these funds as well as the property of the deceased go not only to the metropolitan, but also to poorer laymen (? *ιδιωτῶν*) and clergy. Finally, such has been the traditional practice since time immemorial.

9. The defense used three arguments: (a) the inherent powers of au-

thority, (b) the good use made of the confiscated property, and (c) the force of tradition. All these arguments shall be refuted one by one.

10. <Development of §9(a)>: The right of the authorities to supervise and dispose of a subject's property does not extend to *private*, but only to common property. Not even the Emperor can ask for an account in case of wanton destruction of private property by its owner. No law is in existence which would enjoin the purposeful disposition of private property. It is considered by law as unconditionally held and inviolable. It follows that infringing upon the right of private property amounts to breaking the law.

11. The objection of the defense to the effect that the donors are dead is irrelevant, and alienation is a wrong done both to the donors and the receivers, since a donation is a legally binding act, endowing the receiver with the same property rights as does purchase or exchange. Its validity does not diminish with time. The defendant behaves like a robber.

12. Another objection — that the recipients, because they cannot dispose of immovables, are not full masters of the bequests — is equally irrelevant. Irrespective of their rights concerning immovable property, it is self-evident that they, the recipients, may freely dispose of the revenue of these bequests, partly for their individual use and partly for the use of the monastic community. It follows that the recipients *should not be deprived of this revenue, be it in money or kind*.

13. Nor is the argument of any value *per se* that the recipients mismanage the donations, and act contrary to the donors' intentions. The role of the authorities in this case is strictly limited to enforcing the dispositions left by the donors in the *typika* (νόμους τῶν οἰκιστῶν). No right of appropriating such donations is involved. What is worse, the actions of the defendant amount to as grave a violation of the donor's will as that committed by those who mismanage the donation. The defendant is motivated not by his dislike for injustice, but by his fondness for it and the desire to be its exclusive perpetrator.

14. The adversaries object that there is a difference; the recipients granted the usufruct of sacred property have no right to sell it unless the authorities permit them to do so. This indicates that the authorities have such a right. Consequently, different criteria apply to subjects and rulers respectively, and the final decision in determining what is good for the subjects, and in acting accordingly, lies with the authorities. To which it must be replied that — as has been shown above (§10) — an official's right to interfere does not cover private property. It would be absurd to infer the official's rights to that property from his function as a judge, i.e. his confirmation of a legal act concerning a piece of property. The official adminis-

ters justice impartially and enforces the law. When dealing with laymen, he confirms only those transactions which remain within the boundaries of law. Why does he claim more freedom of action in the case of monasteries and ecclesiastical property (ἱεροῖς)?

15. The defendants explain that, whereas in lay cases their only concern is that the letter of the law be observed, they require, in clerical cases, that monks and ecclesiastics administer the donations advantageously as well. Thus it appears that the defendants are not only judges, but owners (δεσποτῶν) of the properties in question. Cabasilas replies that, on the contrary, *bona fide* owners may lawfully allow people administering their property to do it badly. Not so the defendant with respect to the recipients of donations; nor can he prevent the recipients from lawfully improving their position, even if this should result in damage to himself. Thus he is not an owner (κύριος) of the property in question. The same is apparent from the deeds (whose confirmation, claims the accused, endows him with the rights of ownership). In these, the term owners (δεσπότην) is used with reference to the recipients of a donation which is being sold. By confirming the deeds, the accused acknowledges that the sellers of the property, i.e., the recipients of the donations, are the owners. The fact that the official looks after the welfare of the recipients proves only that he is a kind of steward, while the ownership remains with them.

16. If it be so, the accused retort, why do the recipients need official confirmation, when they themselves dispose of the donation? Because theirs is a joint ownership; the donations are not only for the recipients, but also for their successors. The law-abiding officials' task is to see that the recipients do not harm their successors through their own poor administration. If someone brings harm to himself, this is not the business of the authorities; it is only when his actions affect others that the authorities must intervene. Therefore the recipients have discretionary rights to dispose only of the *revenue* of the land and of real estate, owned jointly with their successors and partners (μερίτας). They do not tear down houses nor do they sell or exchange land without the consent of authority. The intervention of the law in this case is analogous to what happens when absent persons or orphaned children without guardians are a party to a contract, i.e., in cases where a party is unable to protect his own interests. The law invalidates all transactions disadvantageous to orphaned children, whether or not the latter object to such transactions. Even those who hold property in partnership with orphaned minors cannot initiate any transaction regarding such property without the approval of an official, a judge, or the child's guardian. With relation to their successors, the recipient of donations may

be likened to these property partners. The recipients of bequests approach the officials not as a servant his master, but as one approaches a judge. When an official validates a transaction affecting a bequest he does not thereby become the owner.

17. ⟨Development of §9(b)⟩: But, says the accused, I am using the confiscated property well and to the advantage of its holders. Cabasilas grants the point, but finds this argument completely irrelevant, since the defendants are accused of misappropriation, not of mismanagement. They act like an alleged murderer, who, instead of proving that he is innocent of the crime, would assure his judges that he is a virtuous man.

18. If the defendants deem themselves sufficiently justified because the robbery and the good use concern the same thing (namely property donated for sacred purposes), they must grant the converse: If good use of a thing disculpates a person who has appropriated it illegally, then lawful acquisition should relieve him of all responsibility for its misuse. Example: A murderer should be acquitted, if he succeeds in proving that the knife with which he committed the crime was lawfully inherited from his father. But this is absurd; the law does not accept excuses which have no direct bearing upon the accusation.

19. This paragraph is concerned with more examples proving the absurdity of the “good use” argument of the defendants.

20. Cabasilas gives further proof of the absurdity of the “good use” argument. As it stands, the law prosecutes various kinds of thieves solely on the grounds that they take property unjustly. It does not ask the criminals whether they have put the stolen goods to proper use. Should the “good use” argument prevail, the laws would have to be revised and be made to concern themselves with the use of a thing, not the mode of its acquisition. But then criminals would always be able to point to poor people whom they had provided with clothes and food, to churches which they had adorned, to lights which they had lit there, even to their contributions to the public treasury, *to the erection of walls*, etc., all things accomplished with unlawfully acquired means. Even grave robbers would claim that they had fed their children and thus saved a household for the State. To sum up, the specious “good use” argument does not relieve the officials from blame for what they have done (i.e., alienating sacred property, and “selling” things which should be given freely, cf. §19).

21. The “good use” argument, which seems so excellent to the defendants, is not only beside the point, but — what is worse — it is false. They misuse the alienated property, not for lack of good intentions (Cabasilas does not suspect the defendants’ motives), but because, under the circum-

stances, it is impossible to avoid such misuse. But is it not "good use," retort the defendants, if the State (*κοινόν*), for whose sake laws and courts themselves have been established, is thereby helped? The disputed monastic and ecclesiastic funds do not go to private individuals, but are employed *to restore walls, to rout the enemy, to obtain victories*, and to establish peace. Are these achievements reprehensible? Even if it were possible to obtain these results, answers Cabasilas, the "good purpose" would not be attained, since the spiritual loss would be far greater than the material gain. The loss consists in the damnation of the defendant's soul. *The restoration of a wall and the winning of a victory* are not reprehensible acts in themselves, but in this case they involve an action harmful to the soul of the defendant. The alienation of monastic and ecclesiastic property for public ends involves violation of Sacred and Civil Law; it harms both God, to whom the property was dedicated, and men who own it (= the monks who are the recipients of donations). Whatever advantage accrues to the State from the defendant's actions, he is nevertheless worthy of damnation. Pointing to the benefit derived from these actions by many people will not save him from being convicted of sacrilege and lawlessness.

22. Indeed, even if some good may providentially come out of wrong actions, this does not change their fundamentally evil character, and is no reason for condoning them and relieving their perpetrators of responsibility. It is not the results of the deeds, but the deeds themselves that determine our judgments, since we are responsible for the deeds alone. Cabasilas adduces examples illustrating the foregoing propositions.

23. (The thesis of §21 is resumed again): It is impossible for the defendants to prove that results beneficial to the cities have been achieved through their wrongdoings. If such results are forthcoming, they have been made possible by God, not by the wrongdoers. People who mismanage their affairs (by bringing about the damnation of their own souls, cf. §21), cannot be good leaders of a city (cf. I Tim. 3:5, where reference is made to the leadership of God's Church). The defendants, like all bad people, seem to be misled by the immediate advantage of their evil actions, i.e. *the acquisition of weapons, building of walls, providing for soldiers*. Of course no one would practice evil if he did not hope thereby to achieve some profitable ends. Evil does bring some apparent advantages which make wrongdoers forget the difficulties that eventually ensue from wickedness. Robbers and tyrants profit from their crimes; so it is with those in power (*οἱ ἐπὶ τῶν πραγμάτων*): by transgressing the law they may conceivably obtain results which seem to further the public weal. Conversely, some good actions have brief, unpleasant consequences. (Examples from the doctor's practice, and

that of councilors, lawmakers, and pilots are adduced. Yet all of these men are rightly held to be our benefactors.) Therefore, we shall not call someone, who by unlawful actions provides a state or a city with what it needs, a friend of the people (*δημοτικόν*). If one followed this line of reasoning, one should put enchanters and sorcerers on the same level with farmers and craftsmen, since both categories of people use their occupations to support their families.

24. Yet we refuse to admit that those loathsome people further their own interests, or their families'. Similarly, we shall not judge an official by *ships, sailors, and soldiers*. We shall call him a wise man and a skillful administrator (*τὰ πολιτικὰ τεχνίτης*) only if he achieves these aims while retaining the benevolence of the subjects, observing laws, and respecting things sacred. But he would be insane who would acquire *ships, weapons, and soldiers* at the price of the hatred of those for whose sake land and sea battles are waged. Collecting money, and *building naval vessels* and military camps are not functions of an official that should overshadow his other duties. Otherwise, such officials would not differ from tyrants. Good officials seek power only to be better able to preserve the liberty of their subjects.

25. Discussion of the differences between a tyrant and a good official: The former is interested solely in his own advantage, safety, and pleasure; enslaves his subjects and disregards the laws; while the latter acts within the law for the benefit of his subjects, and shows respect for their human dignity and liberty.

26. How can a form of government survive without liberty, the most cherished of all human possessions? Whoever undertakes to govern in such a way must either imprison his subjects and treat them as his enemies, or lose his power. But what is the use of enslaved subjects? If no one is free to dispose of his possessions, if officials wield unlimited power and the mere mention of the word State (*κοινοῦ*) brings fear of loss of private property, who will be interested in earning money, who will exercise any trade, profession, or military art, knowing that all his earnings will go to others? From what source will taxes then be levied? That is why good officials have always striven to provide their subjects with liberty and external and internal security within the framework of justice. It is certainly unreasonable that those whose duty it is to prevent injustice and violence should acquire military strength by inflicting injustice and violence upon their subjects.

27. Moreover, we should not eliminate God from our considerations, and rely solely upon our human efforts. God preserves cities to which he is benevolent and destroys those which arouse his anger. How, then, does

the defendant reconcile this belief with his sacrilegious behavior? Old and, especially, New Testament examples amply prove that temple robbery is considered by God, and more specifically by the Savior, as the gravest of sins.

28. No good can possibly come from a wicked action, either in the future life, or even here on earth. Luke 12:15 is a guaranty of the truth of this statement, which applies to private individuals, officials, cities, and peoples alike. To sum up: Neither *ship*, nor *soldier* nor *weapon* is useful to a city, unless it has been acquired lawfully and without arousing any indignation. If, as in this case, such things have been obtained in disregard of laws and of human tears, they will bring serious harm to their users.

29. The defendant's godless and reckless actions, being of no use to the community and harmful to himself, resemble those of Pilate holding court over Christ. They are even worse than those of Herod (Acts 12:21–23), inasmuch as the defendant abolishes God's laws, and introduces new ones of his own making. He should not believe that he is not a sinner simply because he has not been punished in this life. The after-life reserves punishment for law-breakers who escape it on earth.

30. Even if the defendant's actions have not been followed by (Divine) punishment, they are more than worthy of eternal damnation. For to be a ruler over one's compatriots is not an excuse for opposing God himself, and for removing him from the realm of human affairs. This is not a mere figure of speech — by dissolving laws, one abolishes the authority of the legislator. To put it more clearly, if someone should come to the city administered by the defendant and show reverence to him, but, at the same time, prevent its inhabitants from obeying him or his subordinates, and cause them to follow instead his own precepts, the defendant would have no power left over the city. And yet he is doing the same thing to God. God is the Ruler of us all, firstly as our Creator, secondly, as the Supreme Legislator, acting through his disciples and their successors, the bishops. The first kind of rule, as it is God's alone, cannot be abolished, but the second, depending as it does on men, can be abolished. To attempt to abolish either one is sinful; the second possibly the more so, since God seems to have more greatly cherished the second kind of rule: he created the world and appeared on earth in order to establish his laws in it. By dissolving God's laws, the accused betrays the symptoms of a satanic sickness.

31. Some people argue that, as evil is so widespread in their time, there is no longer any place for strict observance of evangelical precepts. This amounts to substituting new laws for those of the Savior, and abolishing Christianity. The situation was even worse in apostolic times, with pagan-

ism and immorality prevailing everywhere. All this did not prevent the apostles from preaching the Gospel. What is more, the Savior himself came to us and proclaimed his laws precisely at that juncture. This makes perfect sense, if one considers that sickness is the most appropriate occasion for a physician's intervention. Thus there is no point of time when unlawfulness may be condoned, or laws declared inapplicable. Injustice and temple-robbery are always subject to condemnation.

32. The defendants adduce Epiphanius and David as examples of saintly persons who, disregarding the strict letter of the law, used sacred property for worthy purposes, and were not punished for it. The defendants' own actions, they maintain, are of the same order since they occurred in the same circumstances and for the same reasons. But, replies Cabasilas, the deeds of Epiphanius and David were not unlawful, as they occurred with the owner's, i.e., God's approval and encouragement, while the defendant lays his hand upon sacred property against the will of the owners. We may safely assume that God encouraged the actions of Epiphanius and David. Why? Because they were not punished, but praised. There can be no other reason for their impunity; had their actions been reprehensible, their saintliness in other respects would not have helped them nor removed the stigma of evil from what they had done.

33. Cabasilas turns against "some priests." Misled by the arguments refuted above, they practice simony (cf. §§5 and 7). The defendants maintain that they use the fees for a good cause, but the way in which the thirty silver pieces were spent did not absolve Judas or the Jewish priests, nor will the accused prelate's use of simoniac monies for the benefit of the poor save him from Hell. Judas and the Jews sinned against the Lord; the defendant differs from them only inasmuch as he sins against the Holy Ghost, whom he makes into a slave.

34. Besides, the defendant ordains worthless priests. But even if they were good, the defendant cannot escape the accusation of merchandising in Grace. It is a secondary point that his transaction is not called a "sale," and is not concluded openly in a market place, but rather in the secrecy of a private room. Respectable words cannot cover up or change the essence of an action. The fact remains that the Law forbids receiving fees for ordination, and that the prelate does receive them.

35. Whatever the person to be ordained calls the fee, it is his intention that matters. He certainly would not pay were it not in the hope of receiving the ordination. If so, and if the prelate is aware of this attitude, he does receive a fee for what he bestows. This, however, is tantamount to selling the Holy Ghost for a few pennies and thus offending it in order

that the pennies might be spent wisely. Certainly the legislators must have been aware that fees received for ordinations might be used for good purposes. They must even have assumed that they would be so used, since they implicitly trusted and honored the bishops to whom they addressed the laws, and they excluded evil people from priestly functions altogether. Still, they forbade trafficking in Grace. Moreover, if only good or bad use of ordination monies was at stake, why should these legislators have shown such concern with the problem of ordaining for money, since at the same time they trusted the bishops with the administration of huge properties? It follows that the only purpose of their legislation was that the Holy Ghost be not sold and enslaved. The fact that this purpose was explicitly stated removes the last doubt as to the meaning of the law.

36. Some adduce imperial laws establishing definite fees to be received by the ordaining prelate. If these laws refer to fees for ordination, then they contravene Divine Laws, and neither emperor nor even an angel (Gal. 1:8) can be put above Divine Law. But if the imperial laws refer to fees for services performed after ordination, which it would be inconsiderate for the appointees to receive free of charge, then the defendants should prove that they have in fact performed such services.

37. The defendants insist that it is lawful to feast the ordaining prelate and his entourage after the ceremony of ordination. Only if such a feast is voluntarily provided, retorts Cabasilas. If it is a forced contribution and a hardship upon the ordained, it is unlawful. The receiver of such a contribution appears then as a trafficker and hireling, and disgraces his office (cf. Gen. 25:29–34 and Rom. 14:20).

38. The defendant (a metropolitan) alienates the household property of deceased priests (bishops) as well as the revenue collected by them in their communities (*ἀπὸ τοῦ κοινοῦ προσόδους*). According to law, the former should go to the bishop's relatives, the latter, to the bishop's successors (cf. §§5 and 8). Yet, the metropolitan has sworn to uphold the law in the presence of the whole senate (*curia?* *γερονσίαν*). The law states clearly that the defendants should refrain from the possessions of others. And it has been previously shown (§§17ff) that the "good use" argument is irrelevant. The defendant brings up his poverty. This might give other people the opportunity to exercise charity, but it does not entitle him to rob them. Charity and justice are two different things. When the defendant himself administers justice, he is not swayed by this consideration, and applies the principle of equal justice under law to poor and rich alike. Why does he reason differently with respect to himself? The accused quotes I Cor. 9:14 in his defense. But the apostles, being themselves very poor, accepted gifts

from people who voluntarily contributed to the bare necessities of their livelihood, while he is a violent robber, and that although he is quite well off. What he takes is over and above his basic needs. Moreover, he takes not from his own flock, but robs others' (i.e. other bishops') cities. The adversary's behavior is so different from that of the apostles that it is disgraceful that he should cite it in his defense.

39. The accused (metropolitan) claims that all these cities (i.e. bishoprics) belong to him, since he is the shepherd of all of them, as every bishop is of his city. Therefore his levies are lawful, even if extracted from unwilling payers. Reply: First, being a shepherd does not entitle one to rob one's flock. Second, being a bishop of a city (this definition includes metropolitans) does not entitle one to exploit the other cities dependent upon it (*ἀποίκους πόλεις*). The law explicitly enjoins a bishop of a *metropolis*, i.e., the defendant, to keep his hands off the sacred possessions of dependent cities. It is irrelevant whether the adversary is or is not correct in calling himself the bishop of the dependent cities. He is but a metropolitan, and laws concerning metropolitans apply to him. Therefore, he has either to admit to the unlawfulness of his action, or to question the very law which he has sworn to uphold.

40. Moreover, it can easily be shown that the adversary does not enjoy episcopal rights in dependent cities (*ἀποικιών*). True, he ordains the bishop for each of these cities (dioceses), but this does not give the adversary the rights to such a city. He himself was once ordained, but it certainly does not follow that his ordainer should rule over the city of the ordained, and act as its bishop. To be sure, he exerts jurisdiction (over the bishops), but does it then follow that judges should be partners of, or heirs to, the possessions of the judged? They (i.e., the bishops), too, pass judgment on him (*ἢ σοὶ δὲ καὶ οὗτοι δικάζουσιν*), but he would not dream of permitting them, for that reason, to share in his authority. The defendant uses double standards. Finally, certain rights in a city are reserved to its bishop alone. Such is the right of entering the sanctuary and celebrating there, and that of sitting on the prelate's throne there. The defendant may do such things in his own city, but not elsewhere. It follows that he cannot be called bishop of a city where he is not allowed even to lay his eyes upon the episcopal throne. The defendant seems to assume that he, like an emperor, sends governors to each city, yet continues to rule over all of them.

41. Some naive divines have accepted this interpretation, and this has brought many ills to the cities. In fact, the position of the ordaining metropolitan with respect to these cities is that of a legislator supervising the performance of a marriage ceremony, or that of the best man. Such func-

tions certainly do not imply any rights to the bride or to her property. It is to stress this point that the laws forbid the defendant to enter the city of another, and celebrate there without the local bishop's consent. The defendant is shepherd of one city only, not the ruler of all of them. Other bishops are not his servants, but co-attendants of the bride of one Lord (i.e., the Church). The accused should either stop exactions in the dioceses and among his unwilling subjects or lose the right to his pastoral office.

42. Good prelates may and do receive gifts from their subjects, but only when they are proffered spontaneously. Such shepherds, who do not press for gifts, are not hirelings. For in such cases it is the attitude of the receiver, not of the giver, which is decisive. The concept of "receiving a fee" implies not merely the receiving of it, but the receiving of it upon request. The fee for virtuous deeds which is bestowed by men is given to those who clamor for it (cf. Mat. 6:2,5,16). People looking to God alone may also be rewarded by men, but this kind of reward is not considered a fee.

43. It is obvious, then, that the defendant receives fees. This is not only disgraceful, but also harmful to himself. His subjects will feel no benevolence or gratitude towards him, but will view him as they do any craftsman. Craftsmen are no doubt indispensable to cities, and it would be impossible to go through (*διαφέρειν*) war or peace without them. Still, no one calls them benefactors or feels indebted to them, the reason being that they receive fees for services rendered. These fees are considered a sufficient sign of gratitude. Similarly, receiving fees deprives the accused of the reverence due a prelate.

44. The expression of love and deference shown the defendant by his subjects is mere sham, dictated by fear of exactions. If the defendant could fathom the inner thoughts of the faithful he would discover that they see him as a miserable huckster, not as a shepherd. Moreover, material emoluments cancel all hope of spiritual reward that the defendant might expect to receive in Heaven. Christ will no longer be his debtor. One cannot have both the earthly and the Heavenly reward (cf. Mat. 6:2,5,16). At the Last Judgment the accused will appear, before all the world, stripped of his priestly dignity.

45. (Development of §8): If it be so, object the defendants, how should we understand I Cor. 9:14 and Luke 10:7, where the word "fee" is used by the Lord? — These quotations refer to the attitude which the givers ought to display, so that they may realize that feeding their teachers is a duty, not a favor. As stated above (§§38 and 42), such an attitude does not make hirelings of the receivers. This happens only when the reward is demanded, and when the priesthood is used as a means of obtaining it. Consequently

a needy priest should receive voluntary gifts to the extent of his needs, and no more, if he wants to preserve his priestly dignity. Otherwise he will be called a hireling and a trafficker. Of course, the term "hireling" applies only to those who take fees without harming the contributors. Those who harm their flocks, as in the case under review, are like a pack of wolves.

46. It may be stipulated by law that the faithful should clothe and feed their shepherds, but it is unlawful for the prelates to act like tax collectors, and extort contributions, since the Gospel bids them to do the contrary. The Gospel contains very different precepts (cf. II Cor. 9:7 and I Peter 5:2). Even if it is right that some people ought to contribute, it does not follow that they ought to be made to contribute against their will. The defendants interpose that all are enjoined by Christ's law to help the poor under threat of Hell. True, but no one can force people to do so. Why? Both laws under discussion have been established not so much for the sake of the beneficiaries as for that of the benefactors, who are thus given the opportunity for spiritual growth through good deeds. Voluntary action is, therefore, an indispensable element here. Otherwise hatred would be bred, and incalculable spiritual damage would ensue to the souls of the faithful.

47. It follows that people who invoke the law as a justification for requiring compulsory contributions are, in fact, acting unlawfully. But even if such demands were lawful, one should, above all, keep the good of the many in sight. If the defendant collects the contributions in his own interest, he is an exploiter, a bad shepherd (cf. Ezek. 24:1-4); if he does it for the sake of the contributors, he should choose a method which would bring (spiritual) advantage to them; he should wait until they do it spontaneously. Otherwise he will obtain the money, but will have spiritually destroyed the man, for the latter will hate the priest no less than a tax collector. Important as the priesthood is for our salvation, it is better that there be no priests at all, than to have priests who do harm to their flock by causing themselves to be hated.

48. Such practices make the defendant hateful to the monks. Openly, they yield to the bishop out of fear, but in secret they curse and avoid him, speak badly of him, and try to harm him by all and sundry means. They listen gladly to slander concerning him, rejoice upon his death and pray that the see may remain vacant for as long as possible, that the new incumbent may soon disappear, and that they shall be freed from one who has occupied the throne for a long time. This they do, not because the bishop insists upon strict observance of monastic rules, but because he collects taxes from them, makes them poor, and harms their bodies and

their souls alike, the latter through arousing in them hatred towards himself. And yet, the monasteries are full of elderly, sickly, hungry monks, whom the defendant, supposedly the monks' father and protector, indirectly despoils instead of helping. He does this by exacting contributions from their monasteries. His attitude is much worse than that of the rich man of the Gospel (cf. Luke 16:19–26).

49. But if the tax is lowered, says the defendant, these poor monks will not be any the better for it, since the difference will accrue to other rich people. Answer: If the tax in money or in kind escaped the greedy ones and fell into the hands of the defendant, why does he not return it to the poor monks? Moreover, why does he not punish the greedy? He is entitled to administer such punishment. In fact, the responsibility for the irregularities is his, since it is he who chooses the distributors (*διανομεῖς*) in the monasteries, and has the right of supervision and punishment over them. If the defendant would only show that he is distressed on account of the loss the poor monks are made to suffer in the distributions within the monastic community, this would redeem him. As it is, all his arguments are mere sham. He is a tax collector, and here lies the root of all the evil.

50. <Development of §9(c)>: But all these practices are consecrated by old custom, says the adversary, and long established custom (*συνήθειαν*) has the force of law. Reply: The custom is not ancient, nor was it continuously observed. Furthermore "custom" is not defined by law as simply something practised by a great number of people for a long time, since this definition would include many criminal acts. Custom is used in legal cases only when it has been previously upheld in the courts, cf. e.g. *Synops. Basil.* N,VI,22 and 30. Thus none of the defendant's pretenses can be upheld. He is a tyrant who makes his whims into law.

51. The defendants, violators of the law and arbitrary despoilers of the weak, are likened to tyrants and robbers. They are no better than burglars, since the latter's crimes consist of nothing more than depriving honest people of their property. Burglars, too, could proffer specious excuses for their crimes, such as the avarice of the rich, or the damage done to the community by inequality of wealth.

52. The defendant will have no moral authority to act as a judge, nor will he be able to set himself up as an example of moral conduct to his subjects, being himself a violator of the law. Even if his gains were not unlawful, he would be condemned for ruining other people <by appearing to them as a lawbreaker, and arousing anger and hatred in them>. But he violates the law on both counts: he takes unlawfully and he disregards the perdition of his subjects' souls. The Savior and St. Paul followed laws

which were either inapplicable or no longer valid in order not to give offense to others, but the defendant, rather than remain within the law, prefers to shock his brethren in order to gain or to dispense a few obols.

53. Wise people should weigh not only the immediate advantage (? *συμφέρον*) of every action, but also its broader usefulness (? *τῷ λυσιτελεῖ*). But the defendant considers only the fact that he is doling out part of his exactions to the poor, while he forgets that he is sinning against Christ, and that he sees his brethren ruined and sickness spreading in their souls (for they hate him for his exactions). But is not a soul worthy of more concern than the care of the poor? The defendant prefers to suffer spiritual loss for the sake of material gain, for it is only the bodies of the poor that will be saved by his care. But it is for the care of souls that he occupies his see, not for the collection and administration of taxes. The former is his exclusive function; the latter, the concern of many others as well. The ministry is primarily leadership in the spiritual sphere, exercised by teaching, prayer, and personal example, and only secondarily is it care for widows and the poor.

54. The apostles drew a distinction between these two kinds of activity, and appointed deacons for administering material needs, so that they themselves might attend to matters spiritual. The defendant does the opposite. How can his teachings appear convincing to his flock if his faithful consider him a violator of the law, and see that his actions contradict his preaching? This is a demoralizing situation, which brings religion and the priesthood into disrepute. The defendant acts like a general, who, forsaking his station, attends to menial tasks, and thus causes ruin to both himself and his soldiers.

55. How will the defendant be able to fulfill his pastoral duties, if, for lack of moral authority, his preaching be vain? Spiritual power, as opposed to secular, rests not on brute force, but exclusively on persuasion. Christ's peaceful ways are a supreme example of this. He was interested not in mankind's simply observing his laws, but in its doing so willingly. Secular officials require only that our actions remain within the law, whatever our inner attitude may be. Therefore they strengthen their rule with coercion. The Savior considers all as lost, unless he is assured of our good intentions. For Christ wants us to be good (*χρηστοί*), and it is impossible to be good, unless one intentionally chooses the Good.

56. If, then, the defendant's power rests on persuasion alone, and he is not able to persuade those who consider him unworthy, why does he not shun actions which show him in a bad light? The more so as St. Paul (I Tim. 3:7), the Savior (Mat. 5:16), and John Chrysostom (*Contra eos qui*

subintr. hab. virg. 8), all three insist upon the importance of enjoying a good reputation. Chrysostom extends this requirement not only to priests and teachers, but even to simple monks (*ιδιώτας*). He gives us reason to suppose that officials (*ἄρχονσι*) who disregard this principle will meet with greater punishment, inasmuch as their evil reputation will harm a greater number of people.

57. Who is the defendant to defy these three authorities? He is superior to others only insofar as he appears as the imitator of Christ and the continuator of the way laid down by the apostles and their successors. Once he is shown to move in the opposite direction, of what use is he to his flock? What can he invoke in defense of his behavior and in support of his rule? The priesthood? But he has violated its laws. His retinue? But his rule is of another kind. He has but two choices — either to surround himself with soldiers and to rule by force, or to resign as unworthy to govern his subjects.

58. But, says the defendant, the subjects err in opposing him, for they should refer the verdict to the judges. Not, replies Cabasilas, if he acts unlawfully; for the law requires priests immediately to break communion with bishops who openly transgress the law. In this case, the law calls for no trial, and treats the transgressing defendant as it does the heretic. Will he, then, want to suffer such disgrace? For what gain?

59. The law and the facts themselves plainly prove that the defendant obtained his gains unlawfully. But even if he were irreproachable, Christ, St. Paul, and the Fathers prove that he is a transgressor, since he appears as a greedy and unlawful person in the eyes of all, and forsakes the salvation of the many for an insignificant advantage. The defendant should not delude himself — all his actions are worthy of Hell; should he have any illusions, let him remember that they are snares and whisperings of the Devil. These snares are difficult to avoid, and the whisperings may even seem reasonable, for their author is a cunning evildoer. The defendant should not listen to them, but rather follow the Divine Law in his actions.

60. (The motif of §1 resumed): So much has Cabasilas to say. His words will be sweet to the good and unsavory to the evil. It was necessary to keep the treatise in a bitter vein, for there was no other way of refutation than by exposing the affair in all its ugliness. Cabasilas' aim was to follow the Holy Writ and "rebuke the wise." The treatise was not addressed to evil officials. While they will raise an outcry, the wise will not only respect Cabasilas' words, but be grateful to him.

IV

The preceding edition and summary were to provide a better insight into the nature of the Zealots' policy and program. However, if the reader peruses Cabasilas' *Discourse* with this aim in mind, he may be left with an uncomfortable impression, for by now the Zealots of Cabasilas' text will have appeared to him a strangely elusive crowd. If next he considers Tafrahi's interpretation of the *Discourse*, his uneasiness must yield to wonderment. Some statistics will explain why this change of mood is postulated. In his work, Tafrahi quoted or used fifty excerpts from Cabasilas' *Discourse*. Of these, twenty-six passages were interpreted erroneously. In some cases, their grammar was misunderstood; in others, they were torn out of context, and endowed with a meaning they do not possess; in others still, they were not pertinent to Tafrahi's point.⁴¹ In twenty cases, where the passage was

⁴¹ *Thessalonique au quatorzième siècle* (1913), p. 21, n. 4: the passage does not refer to the rich in Thessalonica, but to a "metropolitan"; p. 62, n. 6: the passage says nothing on the manner by which an act of sale was executed in Thessalonica; it states: the documents prove that the accused official is not owner of ecclesiastical property; p. 68, n. 3: the *συνήθεια* mentioned in the passage has nothing to do with the customary privileges of Thessalonica; it refers to customary payments by newly ordained ecclesiastics; p. 69, n. 1: the "law" here is not a local law of Thessalonica, but stipulations made by the donors; p. 69, n. 2: this law of cities dependent upon Thessalonica is not a law at all, but a reference to churches dependent on a metropolis; p. 70, n. 2: the quotation has nothing to do with love of liberty — the text states that the attacked official is not the owner of the property he had confiscated; p. 70, n. 3: the quotation concerning the non-interference by a bishop in another's diocese is used by Tafrahi to illustrate Palamas' repudiation by the Thessalonians; p. 71, n. 4 and p. 73, n. 1: *γερονσία* interpreted as the senate of Thessalonica; p. 77, n. 5: the reference is to the transgressing "metropolitan," not to civil officials; p. 90, n. 1: the passage does not speak of Thessalonica's giving money to its archbishop, but of the "metropolitan" appropriating funds of vacant bishoprics. No wonder that E. Herman, "Die Kirchlichen Einkünfte des byzantinischen Niederklerus," *Orientalia Christiana Periodica*, VIII (1942), p. 419, who accepted Tafrahi's information, found it otherwise unconfirmed; p. 98, n. 4: the passage cannot refer to the situation of 1322; it does not refer to historical reality at all, but is a speculation as to the state of affairs that would prevail if the confiscation policy were a rule; p. 108, n. 5: the passage does not speak of the administration exploiting the poor, but of ecclesiastics requiring fees for ordinations; p. 109, n. 2: the bishop is accused of exploiting monasteries, not peasants; p. 261, n. 2: *χείρας δὲ δημίων* does not mean that the Zealots are likened to executioners, but that criminal punishment will be meted out to one class of Cabasilas' adversaries; p. 261, n. 3: the quotations do not prove that Cabasilas' speech was held before a tribunal — these are simple literary devices; p. 264, n. 2: helping poor priests is attributed to Zealots. In fact, it is the argument of Cabasilas' ecclesiastic adversaries; p. 264, n. 4: the text speaks of the defendant's unwillingness to appoint bishops in vacant dioceses, not of his changing priests in order to get money; p. 266, n. 2: the quotation does not refer to the Zealot lay leaders, but is a part of a harangue against the simoniac ecclesiastical adversary; p. 267, n. 3: the quotation is interpreted as meaning that the Zealots repaired houses of peasants; the text hints that Cabasilas' opponents see to it that the monks keep their own property in good repair; p. 268, n. 1: the quotation does not make a sentence. Tafrahi understands it as a justification of Zealot confiscation policy; but it is a defense of the custom of selling public offices; p. 268, n. 2: the passage is a justification, put forward by Cabasilas'

interpreted as referring to the Zealots or to Thessalonica, its words were understood more or less correctly.⁴² But in no instance is this interpretation furnished by the text itself. It is put into it as the result of Tafrali's speculative reasoning. Finally, the remaining four excerpts, interpreted correctly by Tafrali, were not linked by him with the Zealots.⁴³ These latter two types of passages must be considered irrelevant for the present investigation.

"Wrongly interpreted" or "irrelevant" is, then, the verdict which applies to all the quotations from the *Discourse* encountered in Tafrali's work. Every other modern writer has depended on Tafrali for the evaluation of Cabasilas' treatise.⁴⁴ It is therefore permissible to dispense with further discussion of the views presented in subsequent literature, and to turn for information about Cabasilas' adversaries and their actions to the *Discourse* itself.

This text is not very neatly articulated. Nevertheless, it is possible to discern in it an introduction (§§1–3), a preliminary outline of the plaintiffs' case together with rejoinders by the defendants (§§4–9), a detailed refutation of the defense (§§10–59), and final remarks resuming a motif of the introduction (§60). The detailed refutation consists of two roughly equal parts, each dealing mainly with one type of adversary. The adversaries figuring in the first part (§§10–32) are laymen, those in the second (§§33–59), ecclesiastics.⁴⁵ The plural, at least in the case of the prelates, may be a misnomer, for Cabasilas often slips into the singular form of address when

ecclesiastical adversaries, for confiscating the funds of vacant bishoprics, not a description of the normal state of affairs, or of a "common chest"; p. 269, n. 2: Cabasilas reproaches his adversary with simoniac practices, not with forcing his bishop to pay taxes; p. 270, n. 1: the text applies to rights of any private individual, not to monks. Moreover, *δημαγωγῶν* is not "demagogues"; p. 271, n. 3: the quotation does not make sense, nor does it prove the author's point.

⁴² *Ibidem*, pp. 66, n. 1; 76, n. 5; 77, n. 4; 88, n. 3 (the same text used on p. 77, n. 5 as referring to lay officials); 261, n. 4; 263, n. 2; 264, n. 3; 265, n. 1; 265, n. 3; 266, n. 1; 267, n. 1; 267, n. 2; 268, n. 3; 269, n. 4 (and the first quotation is taken from a hypothetical apology by burglars); 269, n. 5; 270, n. 2; 270, n. 3; 271, n. 1; 271, n. 2.

⁴³ *Ibidem*, pp. 68, n. 6 (but the context refers to the ecclesiastical *συνήθεια* and not to *any* custom); 265, n. 2; 267, n. 4; 271, n. 4; 272, n. 1.

⁴⁴ Access to these writers is provided in footnote 1.

⁴⁵ In *Discourse*, 4–9, where the arguments are summarized, it is not always easy to distinguish between the words of lay and ecclesiastical defendants. I base my belief in the existence of lay defendants, first on the subject matter of *Discourse*, 10–32 and 33–59 respectively, second, on the opening sentence of *Discourse*, 33: "These are the arguments which persuade some of the priests . . . inconsiderately to commit lawless actions." This indicates that those who provided these arguments or examples were not priests, *Discourse*, 41,1 is different. Cf. furthermore, *Discourse*, 5,1–4, cf. n. 138 below; 16,16, referring to the defendants as τὰ κοινὰ πολιτευομένους and 21,3, where they transgress not only civil (ἡρώκηνομα) but even ecclesiastical laws.

upbraiding someone who is a "bishop of a metropoly,"⁴⁶ that is to say, at least a metropolitan. The use of the plural form when an individual is the target of an attack is an old standby of polemical technique.

Cabasilas' lay adversaries resorted to the sale of offices; they secularized monastic property, partly for their own use, partly for that of others. They justified this measure by defense needs, because with the proceeds from the secularized lands they recruited soldiers, built a navy and repaired walls. Following the bad example of the lay officials, the ecclesiastical foes of the Mystic committed similar irregularities within the Church. They practised simony; they appropriated the possessions of vacant bishoprics; they imposed heavy contributions on the faithful and on the monasteries.

Such is the bulk of positive information which can be used in attempting to identify Cabasilas' adversaries, and to interpret their measures. Nothing in his text permits us to conclude with any *cogency* that the wrongdoings he attacked occurred in Thessalonica. Nothing conclusive, at first sight at least, was said regarding the time during which these wrongdoings took place. It is also the present writer's contention that nothing in the text unambiguously points to the Thessalonican Zealots as Cabasilas' adversaries. On the contrary, some passages seem to speak against such an identification. Thus when Cabasilas referred to the "cities" administered by his adversaries, or to the whole people, *ἔθνος ᾧπαν* (as opposed to an individual, a family, or a city), whose material or spiritual life they were unable to see improved by evil actions, it appears that he had all Byzantine, and not merely local, conditions in mind.⁴⁷

What is more important for the present investigation, there was nothing in the adversaries' course of action or "program," as reflected in their arguments, which would be essentially distinct from the practices of other officials, civil or ecclesiastical, either of the fourteenth century or of earlier times.

There is little that is new or unusual in the arguments marshaled by either side to the controversy. It is Cabasilas, if anyone, who may be called an innovator. For the most part, the arguments are restricted to a familiar frame of reference: venality, simony, secularization of monastic property by the state, interference by metropolitans in the jurisdiction of bishoprics, or the tug-of-war between the Church hierarchy and the monasteries. All of the problems involved were almost as old as the Empire itself, and in the case of secularization, were especially hotly disputed from the thirteen thirties on.

⁴⁶ *Discourse*, 39,7–8.

⁴⁷ Cf. *Discourse*, 23,1 and 28,13.

V

A more detailed discussion of the two main parts of Casabilas' *Discourse* should confirm the foregoing statements. It will be simpler to analyze first the litigation with ecclesiastical adversaries. This analysis may be short, for clues to the Zealotic political program are not likely to be found in a canonistic controversy.⁴⁸

Cabasilas inveighed against his adversaries' (or adversary's) simoniac ordinations.⁴⁹ This in itself is of little interest. Simony was as grave a transgression as it was an old one. It is important, however, to observe that the accused justified their behavior in a way that could hardly have been more conventional. The fees received at ordinations were justified, so they maintained, both by *συνήθεια* (meaning "custom" and "customary payments at ordination")⁵⁰ and by imperial decrees, fixing the amount of such payments.⁵¹ This was a valid argument, as the existence of these "customary" fees is well attested. So is their legalization by imperial and patriarchal decisions, and the approval given to these decisions by canonists.⁵²

The adversaries' line of defense was also identical with that adopted by many undoubtedly respectable bishops of Andronicus II's time.⁵³ By 1295 this emperor was incensed at the Church for its unwillingness to endorse the project of a special loyalty oath to the newly crowned co-emperor. Andronicus avenged himself by proposing legislation outlawing all and any payments at ordination, since in his opinion they amounted to simony. In the preliminary deliberations, most of the prelates put up a vigorous stand against this law. They alleged "old custom, laws referring to this (i.e. to fees at ordinations), and declared that the clerics would be deprived of necessary

⁴⁸ It is nevertheless necessary. Tafrali assumed that the controversy was waged with a "Zealotic archbishop." Moreover, the Zealots used the weapon of religion. Cf. Cantacuzenus, *Hist.*, II, 234, 11 ff. Bonn, for the use of the cross as the emblem of their plundering parties, and 570, 23 ff. Bonn, for their re-baptizing Cantacuzenus' supporters.

⁴⁹ *Discourse*, 5,3-4; 7, and 34-37.

⁵⁰ *Discourse*, 8,13-15 (referring to 7 as well); cf. 9,4-6 (one of the three chief points of the defense).

⁵¹ *Discourse*, 36,1-2.

⁵² For sources, cf. the *testimonia* to *Discourse*, 36,1; V. Grumel, *Les registres des Actes du Patriarcat de Constantinople* I, 2 (1936), nr. 851 (time of Alexius Studite); Balsamon, ed. Rhalles-Potles, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων* IV (1854), p. 472; for discussion, cf. E. Herman, "Die Kirchlichen Einkünfte des Byzantinischen Niederklerus," *Orientalia Christiana Periodica*, VIII (1942), pp. 378-442, esp. pp. 389, 432.

⁵³ The following episode is narrated by Pachymeres, *Hist.*, p. 197,12 - p. 200,16 Bonn. Cf. Liviu Stan, *O Novelă necunoscută a imparătuului bizantin Andronic II Paleologul, cel Bătrân* (Sibiu, 1939).

livelihood.”⁵⁴ The opposition was subdued and a *novella* pushed through that was valid at least in the latter part of the fourteenth century.⁵⁵

Thus Cabasilas’ strictures were not groundless, although he failed to allude to Andronicus II’s *novella* in his indictment. Nor were they unusual. In his rejection of “custom” and his insistence on the *voluntary* character of contributions, Cabasilas took a rigoristic position, adopted at one time or another by spokesmen of ἀκρίβεια in Church matters. Cabasilas’ stand was shared by the late tenth-century Patriarch Sisinnius, the twelfth-century writer Nicetas of Thessalonica, and even such a broadminded canonist as Balsamon.⁵⁶ It was also expressed in a set of instructions of uncertain date, given to a newly ordained metropolitan.⁵⁷

The adversaries were upbraided for appropriating the private property of deceased bishops and the assets of orphaned dioceses.⁵⁸ Here, canonically, Cabasilas stood on firm ground.⁵⁹ But the transgression which he combatted, and the correct procedure in administering the property of a vacant bishopric to which he pointed in his *Discourse* were outlined in exactly the same manner in a stereotyped set of instructions to a newly ordained metropolitan.⁶⁰ This is sufficient indication that what was under discussion were the pitfalls threatening every prelate rather than Zealotic sins.

To justify his depredations, the accused “metropolitan” invoked his poverty.⁶¹ This was an argument without legal value, and Cabasilas was quick to perceive it. But it rang true enough in the calamitous fourteenth century when simple priests were in danger of losing their faith in God because of indigence.⁶² Even in more prosperous times metropolitans were

⁵⁴ Pachym., *Hist.*, 200,1–6: παλαιὰν συνήθειαν προβαλλόμενοι, καὶ νόμους περὶ τούτων λέγοντας . . . ἀλλὰ . . . διεγίνωσκον . . . ὅτι πόρον ζωῆς ἀναγκαίης τοῖς κληρικοῖς ἀποκεκλείσθαι συμβαίνει.

⁵⁵ Cf. F. Miklosich-J. Müller, *Acta et diplomata graeca medii aevi sacra et profana* . . . II (1862), p. 114 (profession of faith by Patriarch Antonius IV, date: January 1389). Cf. also *ibidem*, p. 294 (date: 1397).

⁵⁶ For Sisinnius, cf. V. Grumel, *Les registres* . . . I, 2 (1936), nr. 808. For Nicetas of Thessalonica, cf. Rhalles-Potles, *Σύνταγμα* . . . V (1855), p. 386; Balsamon, *ibidem*, IV (1854), p. 472.

⁵⁷ Cf. Rhalles-Potles, *Σύνταγμα* . . . V (1855), p. 547. According to E. Herman, “Apunti sul diritto metropolitico nella Chiesa bizantina,” *Orientalia Christiana Periodica*, XIII (1947), p. 547, n. 1, the instructions seem to date from the post-Byzantine period. This is not a certainty. In any case, the text is earlier than Leunclavius’ edition (*Iuris . . . tomii duo* [1596]).

⁵⁸ Cf. *Discourse*, 5,5–6; 8,1–7; 38–41.

⁵⁹ Cf. the *testimonia* to *Discourse*, 38,2.

⁶⁰ Cf. Rhalles-Potles, *Σύνταγμα* . . . V (1855), pp. 546 f.

⁶¹ *Discourse*, 38,15.

⁶² Cf. Alexius Macrembolites’ consolation πρὸς τινὰ ἱερέα, διὰ τὴν αὐτοῦ πενίαν σκανδαλιζόμενον εἰς τὸ τοῦ θεοῦ δίκαιον, *Cod. Sabbaiticus Gr.* 417, fol. 102^v ff.

authorized to call upon their bishoprics when the metropolis itself was in material straits.⁶³

The "metropolitan" also maintained that his position gave him the right of unlimited jurisdiction over the bishoprics.⁶⁴ Cabasilas had no difficulty in disposing of this line of reasoning,⁶⁵ since such an argument was hardly tenable⁶⁶ in the East, where the general right of devolution was unknown. But he pulverized a canonical, not a "Zealotic" proposition.

The next attack of Cabasilas must be judged as less successful. The transgressing "metropolitan" had imposed fixed taxes upon the faithful⁶⁷ and the monasteries.⁶⁸ Instead, Cabasilas complained, he should have been satisfied with voluntary gifts. In the present writer's opinion, the practices which had annoyed the Mystic were none other than the collection of *κανονικόν*.⁶⁹ This contribution, received by patriarchs, metropolitans, and bishops from laymen, priests, and monks had been legalized by numerous imperial and patriarchal decrees.⁷⁰ As Cabasilas himself had to admit this in passing,⁷¹ he insisted on the spirit rather than on the letter of the law throughout his refutation. He was furthermore flying in the teeth of evidence when he denied his adversary's contention that the custom (*συνήθεια*) of *κανονικόν* was an ancient one, and had been continuously observed.⁷² This tax, in existence from the tenth or eleventh century on, was characterized as *σύνηθες* not only by Patriarch George II Xiphilinus,⁷³ but also

⁶³ Cf. V. Grumel, *Les registres* . . . I, 2 (1936), nr. 833 (date: 1027).

⁶⁴ *Discourse*, 39,1-2.

⁶⁵ Cf. *Discourse*, 40-41. For the canonical documentation on which Cabasilas based his rebuttal, cf. the *testimonia* to 40,21-24; cf. also the discussion in E. Herman, "Appunti sul diritto metropolitico . . .," *Orientalia Christiana Periodica*, XIII (1947), pp. 544 f.

⁶⁶ However, Cabasilas' adversary was not merely inventing things. Cf. the glossator to the Answer nr. 7 of Demetrius Chomatianus (a text also going under the name of John of Kitros), ed. M. Gedeon in *Ἑκκλησιαστικὴ Ἀλήθεια*, XXXVI (1916): "The glossator declares that the metropolitan of a province does not need the permission of the bishop (e.g. to celebrate the mass in the bishop's diocese), because the canons entrust the whole territory of the province to him." As the edition of Gedeon is inaccessible to me, I am quoting E. Herman's summary in *Orientalia Christiana Periodica*, XIII (1947), p. 544, n. 4.

⁶⁷ Cf. *Discourse*, 42-47.

⁶⁸ *Discourse*, 48-50.

⁶⁹ On *κανονικόν*, cf. E. Herman, "Zum kirchlichen Benefizialwesen im byzantinischen Reich," *Studi bizantini e neoellenici*, V (1939), pp. 657-671, esp. pp. 666-669; *Idem*, "Das bischöfliche Abgabenwesen im Patriarchat von Konstantinopel," *Orientalia Christiana Periodica*, V (1939), pp. 434-513, esp. pp. 438-457; *Idem*, "Ricerche sulle istituzioni monastiche bizantine . . ." *Orientalia Christiana Periodica*, VI (1940), pp. 293-375, esp. p. 358.

⁷⁰ Cf. the *testimonia* to *Discourse*, 46,2, and the sources listed in E. Herman's articles quoted in the preceding note.

⁷¹ *Discourse*, 46,2, cf. 42,1-2.

⁷² *Discourse*, 50,3-4.

⁷³ Rhallès-Potles, *Σύνταγμα* . . . V (1855), p. 101; τὸ συνήθως πᾶσι τοῖς ἀρχιερεῦσι παρεχόμενον ἐξ ἑθους κανονικόν. Cf. V. Grumel, *Les registres* . . . I, 3 (1947), nr. 1185.

by such respectable Hesychast patriarchs among Cabasilas' contemporaries as Isidore and Callistus.⁷⁴ It was also mentioned with the adjective "customary" in a fourteenth-century act issued for the purpose of protecting a monastery from the encroachments of a metropolitan.⁷⁵ In defending himself, the adversary did not have to resort to any "Zealotic" reasoning. He could safely quote from St. Paul's First Epistle to the Corinthians: "even so hath the Lord ordained that they which preach the gospel should live of the gospel."⁷⁶ This was in the best tradition. The Apostolic Canons, a patriarch and a canonist had made use of the adjacent passages from the First Epistle to the Corinthians in similar circumstances.⁷⁷

The defendants, pointing to the character of their office and to Christ's commandments, claimed that the collected monies were used to help poor laymen and priests.⁷⁸ On earlier occasions they justified even alleged simony by the same reasoning.⁷⁹ Of course these arguments were founded in social doctrine. But they reflected the time-honored social ethics of the Church, not a revolutionary program.

If professing the slogan of milking the rich for the benefit of the poor is considered a sufficient criterion for attributing revolutionary designs to a Byzantine, then Patriarch John the Almsgiver should be branded as a seventh-century Alexandrine precursor of the Zealots, since it was he who maintained that "if with the object of giving to the poor anybody were able . . . to strip the rich down to their shirts, he would not go wrong."⁸⁰ He was wont to corroborate this view by quoting the ruse St. Epiphanius used

⁷⁴ Both patriarchs use the same formula: *οφείλουσι . . . οἱ κληρικοὶ καὶ οἱ πρεσβύτεροι, μοναχοὶ καὶ λαϊκοὶ . . . ἀποδιδόναι . . . καὶ τὸ ἀνήκον κανονικὸν καὶ εἴ τι ἄλλο σύνηθές ἐστι . . .*, F. Miklosich-J. Müller, *Acta et diplomata . . . I* (1860), pp. 256, 335.

⁷⁵ A chrysobull of Symeon Uroš for the monks of the St. George monastery of Zablantia (date: 1359), ed. e.g. A. Solovjev-V. Mošin, *Grčke povelje srpskih vladara . . .* (Belgrade, 1936), nr. 31, lines 73 ff: *ἵνα μετὰ τὸ δίδόναι τὸ κανονικὸν σύνηθες καὶ μόνον δίκαιον πρὸς τὸν πανιερώτατον μητροπολίτην . . .* Cf. *ibidem*, lines 143 f. This chrysobull repeats the formula of an earlier chrysobull of Andronicus III for the same monastery (date: 1336) *καὶ ἀποδιδῶ ἡ μονὴ πρὸς τὸν πατριαρχικὸν ἑξαρχὸν τὸ σύνηθες κανονικὸν καὶ μόνον δίκαιον*, ed. e.g. J. Zepos and P. Zepos, *Ius Graecoromanum . . . I* (1931), p. 686.

⁷⁶ I Cor. 9:14.

⁷⁷ Can. Ap. 41; Patriarch Nicolaus Grammaticus, Rhallès-Potlès, *Σύνταγμα . . . V* (1855), p. 61 (I Cor. 9:7), cf. V. Grumel, *Les registres . . . I, 2* (1936), nr. 942; Balsamon, *ibidem*, IV (1854), nr. 472 (I Cor. 9:7).

⁷⁸ *Discourse*, 46,16–18; 6,15–17 (I consider this paragraph to contain answers of both lay and ecclesiastical defendants); cf. 53, 4–5 and 9.

⁷⁹ Cf. *Discourse*, 33,11; 35,9–10; 7 (if this paragraph refers to simoniac ordinations rather than to sale of offices).

⁸⁰ Cf. the *Life of John the Merciful* by Leontius, translated in E. Dawes and N. H. Baynes, *Three Byzantine Saints* (1948), p. 231.

in dealing with John, the miserly Bishop of Jerusalem.⁸¹ And this is the very stratagem which Cabasilas' adversaries adduced on their own behalf (§32). The same type of religious social preaching also influenced Justinian's legislation. One of his *novellae* authorized the sale of *some* pious donations, that is to say, sacred property, to assure the "maintenance of the poor" and the "livelihood of the indigent," an act which saved souls and was pleasing to God.⁸²

About the time this controversy took place, the action of Cabasilas' adversaries was paralleled on a smaller scale in irreproachable quarters. In this instance the friend of the poor was Patriarch Isidore, whom Cabasilas later commemorated in a metric epitaph. In his touching testament, the Patriarch invoked imperial assistance: It was needed, he wrote, because the revenues of the patriarchate, pitifully small, had been distributed among the poor, and consequently the monks and lay employees of the Great Church fared badly. In the same document, Isidore also ordered that the poor should receive some wine and grain from the resources of the patriarchate that were destined for monks and nuns.⁸³ With the Patriarch, as with the defendants of the *Discourse*, the poor came before the monks.

Cabasilas did not question his adversaries' intentions. Instead, he resorted to a somewhat involved refutation which drew some of its inspiration from patristic thought. He contended that it was a disastrous and sinful policy to help widows and the indigent with monies collected from *unwilling* contributors, since only the bodies of the poor would thus be saved, while a tax grudgingly paid would ruin the contributor's soul, so much more important than the body.⁸⁴ This contention may appear as a twisted kind of charity. But the twist was brought about through arguments characteristic of the ethics of Byzantine law. Cabasilas' insistence upon the primacy of intention (*γνώμη*),⁸⁵ will (*θέλησις*),⁸⁶ and eagerness (*προθυμείσθαι*)⁸⁷ on the part of the giver is paralleled by John Chrysostom's use of these terms in his doctrine of the spirit befitting the true donor. Chrysos-

⁸¹ Cf. Gelzer, *Leontios' von Neapolis Leben des Heiligen Johannes des Barmherzigen* . . . (1893), p. 40.

⁸² Iust. Nov. 65. Of course, it applied only to property originally destined for the maintenance of the poor but failing to bring profits. The text of this *novella* is preserved only in Latin, but the Byzantines knew that it contained dispositions authorizing sale of land and houses left either for redemption of captives, or *εἰς ἀποτροπὴν πτωχῶν*. Cf. *Corpus Iuris Civilis*, edd. Schoell-Kroll, III, p. 339.

⁸³ F. Miklosich-J. Müller, *Acta et diplomata* . . . I (1860), pp. 292 f.

⁸⁴ Cf. p. ex. *Discourse*, 53.

⁸⁵ *Discourse*, 42,4; 44,6 and 10; 45,4; 47,13; 55,12; 16 and 19.

⁸⁶ *Discourse*, 55,8; cf. 11.

⁸⁷ *Discourse*, 46,23; 55,11.

tom's views seem to have influenced Justinian's laws, and to have found a reception among Byzantine jurists, who emphasized intention rather than the mere act of donation.⁸⁸ Cabasilas made use of this general emphasis for his own ends.

In the more specific issue of contributions extracted by the accused prelates from the monks, the tradition which Cabasilas continued was that of Patriarch Sisinnius; who, toward the end of the tenth century, forbade bishops to collect the *κανονικόν* from clerics and monasteries.⁸⁹ However, it was not Sisinnius' stern voice, but the *συνήθεια* invoked by Cabasilas' adversaries that determined the practices by which Byzantine prelates provided for the maintenance of their dioceses.

Cabasilas' polemic against the tax collecting "metropolitan" was hardly conducted in a void. As may be learned from a fourteenth-century (?) marginal remark in the *Nomocanon*, laymen of Cabasilas' time grumbled against the *κανονικόν*, and relied upon the evangelical saying "freely ye have received, freely give."⁹⁰ And Cabasilas' description of the monks' hatred towards their bishop⁹¹ is so vivid that it seems superfluous to recall the vicissitudes of jurisdictional tensions between monastery and diocese, to list the attempts made by bishops or metropolitans to exploit monasteries, or to quote the canonists' opinions on this subject. One fourteenth-century example will suffice here.

In 1368, Patriarch Philotheos reasserted the rights to which the bishop of Hierissus was entitled on the Holy Mountain, as Athos was a part of the metropolitan's diocese. This was necessary, since the *protos* of Mount Athos had usurped some of the episcopal rights, forbidden the bishop to enter the Holy Mountain without his permission, and prevented him from celebrating there. It was not the first such occurrence. As Philotheos, himself a former Athonite, remarked, he knew well that in the time of his stay there (that is to say, before 1347) some powerful persons unsuccessfully attempted to dissolve episcopal rights in Athos.⁹² Cabasilas was the spokesman for "powerful persons" of this kind.

There is life behind the pages of the second part of Cabasilas' *Discourse*. Only it is the life of the diocesan accounting office, the monastic chapter,

⁸⁸ On this point, cf. two articles by E. F. Bruck: "Die Gesinnung des Schenkers bei Johannes Chrysostomus . . ." *Μνημόσυνα Παππούλια* (Athens, 1934), pp. 65–83, and "Ethics vs. Law: St. Paul, the Fathers of the Church and the 'Cheerful Giver' in Roman Law," *Traditio*, II (1944), pp. 97–121.

⁸⁹ Cf. V. Grumel, *Les registres* . . . I, 2 (1936), nr. 808.

⁹⁰ Cf. Rhallés-Potles, *Σύνταγμα* . . . I (1852), p. 76.

⁹¹ *Discourse*, 48.

⁹² Text e.g. in F. Miklosich-J. Müller, *Acta et diplomata* . . . I (1860), pp. 555–557.

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and the lawyer's study, not that of the Zealot *conciliabulum*, blessed by a rebellious prelate.

VI

One consideration is essential for the proper conduct of the present inquiry. Even those who believe that the Zealotic program may be reconstructed from Cabasilas' words agree that nothing is known about it outside of what is contained in his *Discourse*. On the other hand, some of the Zealots' *actions* are related fairly amply, if with some confusion, in contemporary sources, and these can thus provide us with a standard of comparison. Therefore, in the discussion of that part of Cabasilas' treatise which is directed against lay officials, their *measures* should first be taken into consideration. Next, these measures will be confronted with what is known of similar enactments in Byzantine history. Set against such a background a discussion of the lay officials' arguments should be more fruitful. For these arguments, too, parallels will first be sought where they are most likely to be found, namely, in circumstances similar to those described by Cabasilas. As for the Zealots' actions, it is sufficient to state at the very outset that the present writer did not succeed in finding any reference to their secularizing monastic property.

What, then, are the wrongdoings of Cabasilas' lay adversaries as listed in the first part of the *Discourse*? Let the attorney for the plaintiffs state them for himself:

Monasteries possess certain cultivated fields, houses, villages,⁹³ lands, and similar sources of revenue. Monks, to whom they had been given by their previous owners, should have been permitted to enjoy these possessions. But (the adversaries) take this property away from the monks, either retaining it for their own use or letting others exploit it. This is particularly true with respect to money, wheat, barley, wine, and other produce of the estates, and sometimes even with respect to peasants, villages, and landed estates themselves. And yet, it was the donors of these possessions who were their owners, perfectly entitled to the act of donation. By devolution, those who received donations should be considered their present owners.⁹⁴

Let us not seek to determine at this point whether the monks should be considered owners of the land, houses, and other property. It does not require lengthy proof to show that it is the intention contained in the disposition left by the original owners that (the monks) should be free to spend the produce and the revenue (of the estates), either for each monk's personal use, or for that of the (monastic) community. For this reason, and out of reverence for laws and justice, (the defendants) should respect the

⁹³ *Discourse*, 4,1: *συνουκία*. The meaning "village" is assured by a passage in Th. Metochites' *Miscellanea*, ed. Müller-Kießling (1821), p. 247: *καὶ τὰτα μὴδὲν ἤττον τοῖς ἐν ἀγροῖς καὶ συνουκίαις κατὰ γεηπονίαν βιοῦσιν, ἢ τοῖς ἐν πολίσμασιν ἀστικοῖς.*

⁹⁴ *Discourse*, 4,1-8.

monks' authority over the estates and abstain from collecting money (there) or claiming the produce of the land.⁹⁵

The defendants should be heard, too:

And if with these (means, i.e. the proceeds from secularizing monastic property) we also should arm soldiers who would sacrifice their lives in defense of the churches, laws, and walls, would it not be more reasonable than if these resources were to be consumed for no purpose by priests and monks? Little is sufficient to provide for the needs of their table or other necessities of life, as they lead a sedentary and sheltered existence, and do not have to expose themselves to any dangers. Indeed, this kind of spending would be more timely for them than any other, since it is a foremost necessity for them that walls should be in good repair, and laws observed. And this, as should be plainly clear to any one, is the soldiers' responsibility.⁹⁶

Do you not think . . . that it is advantageous if one renders service to the state itself, for whose sake laws, judicial processes, courts, in short, all things are functioning? Come now, suppose no one takes home the money in question, be it that given to the churches or to the monasteries, or spends a single penny of it for his own use. Suppose you see a wall restored with the means provided by these funds, the enemy routed, a trophy set up, and the nation enjoying the many fruits of peace. Will you still find fault with this and repeat the same accusations?⁹⁷

There is an answer to this rhetorical question. In giving it, Cabasilas dwells on the adversaries' actions once more:

No one shall maintain that those loathsome people (i.e. enchanters, sorcerers, and informers mentioned earlier in the text) have furthered their own and their families' interests, because they fare quite well materially at the price of their own (spiritual) ruin. In the same manner, we shall not judge by ships, sailors, and soldiers provided by the magistrate, that he is well and properly advised. It may be reasonably assumed that he is wise, well advised, and versed in the art of government, if he claims all these achievements while retaining the goodwill of his subjects, preserving the orderly government in his city, and showing reverence for things sacred. But if he acquires ships, arms, and soldiers by breaking the laws, upsetting the (established?) order, violating the liberty of his subjects, appearing in a shameful light, and arousing hatred in those by whom he should be loved; if he clings to these achievements, but gives up and corrupts all those values in defense of which battles should be waged on land and at sea, and considers this transaction a profitable one, is he not out of his mind? Does he not show complete ignorance of himself and of the essence of his office, let alone of what is appropriate for the community? For acquisition of money, ships, and military camps should not be viewed as that endeavor of magistrates which overshadows all other of their duties. In what, then, would they differ from the tyrants? Tyrants disregard laws, justice, things sacred, and everything else, so that they may acquire armed strength. Worthy magistrates, truly deserving of that name, act in quite the opposite way: they strive for military strength in order that they might defend the laws and preserve for their subjects liberty befitting a human being.⁹⁸

⁹⁵ *Discourse*, 12,3–9.

⁹⁶ *Discourse*, 6,20–28.

⁹⁷ *Discourse*, 21,10–17.

⁹⁸ *Discourse*, 24.

This is impassioned language. In *tone*, Cabasilas' sallies against the tyrannical lawbreakers seem to agree with contemporary descriptions of Zealotic excesses. But it is advisable first to investigate whether there may not have been a group in fourteenth-century Byzantium to whose *deeds* Cabasilas' accusations are even more applicable.

Two possible conjectures have to be eliminated at the very outset. The actions which aroused Cabasilas' indignation cannot be identical with the granting of monastic property to the *χαριστικάριοι*, lay protectors of the monasteries. By the fourteenth century, the Byzantine *χαριστίκιον* seems to have been in abeyance as an institution.⁹⁹ Moreover, this type of grant was never connected with military matters.¹⁰⁰ Nor can the selling of sacred property by metropolitans or bishops to laymen be meant here. This uncanonical procedure occurred in the fourteenth century. But Cabasilas' scoldings were aimed mainly at lay magistrates.¹⁰¹

What Cabasilas objected to was secularization by the civil government of monastic properties for defense needs. Described in this manner, the actions of Cabasilas' opponents lose all uniqueness and can be ranged among uncanonical measures to which the Empire repeatedly resorted in times of stress. If secularizing monastic property for needs of defense marks the author of such an act as a revolutionary, then many a Byzantine emperor or high official could likewise be considered a disrupter of civic order.

The facts concerning imperial secularization measures have often been discussed.¹⁰² It will be enough to recall the two most salient pre-fourteenth-century instances in which emperors justified by military necessity the seizure of monastic and ecclesiastic property.

We hear from the historians Attaliates¹⁰³ and Psellos¹⁰⁴ that Isaac Com-

⁹⁹ Cf. E. Herman, "Charistikaire," *Dictionnaire de droit canonique*, III (1939), pp. 611–617, esp. p. 617: no mention of the term after the twelfth century. S. Troicki, "Ktitorsko pravo u Vizantiji i u Njemanjičkoj Srbiji," *Glas Srpske Kralj. Akademije*, CLXVIII (2nd series, 86) (1935), pp. 100–102, gives fourteenth-century examples of endowments made by Serbian rulers or Byzantine emperors, which he considers as *χαριστίκιον* grants. Still, in all these cases the endowed property remained ecclesiastical in character.

¹⁰⁰ On this point, cf. G. Ostrogorskij, *Pour l'histoire de la féodalité byzantine* (1954), pp. 17–19. In subsequent notes this work will be referred to as Ostrogorskij, *Féodalité*.

¹⁰¹ Cf. e.g. the synodal decree in F. Miklosich-J. Müller, *Acta et diplomata . . . I* (1860), pp. 513 f. (bishops sell sacred property to "anyone"). Cabasilas' text compares better with another synodal decree (date: 1365), *ibidem*, I (1860), pp. 457–461 (local governors appropriate the revenue accruing from sacred property).

¹⁰² The most useful works in this context are P. Charanis, "The Monastic Properties and the State in the Byzantine Empire," *Dumbarton Oaks Papers*, 4 (1948), pp. 53–118 (to be referred to in subsequent notes as Charanis, *Properties*), and the book by G. Ostrogorskij, quoted in n. 100 above.

¹⁰³ 60, 18–62, 4 Bonn. The passage is partly translated in Charanis, *Properties*, p. 68.

¹⁰⁴ VII, §§56–60 = II, 119 f., ed. Renauld.

nenus (1057–1059) confiscated monastic lands and transferred them to the pool of government-held landed property. He left to the monasteries what he deemed necessary for their upkeep. Both authors observe that Isaac's measures were called forth mainly by the necessity of providing for the needs of the army. In all probability, even at that early date the military was recompensed in the form of *pronoia* grants.

When in the 1080's, Byzantium was collapsing under the simultaneous impact of Pečeneg, Norman, and Turkish incursions, Alexius I Comnenus (1081–1118) confiscated monastic and ecclesiastical property in order to improve the Empire's desperate military situation.¹⁰⁵ The texts speak principally of the sacred vessels and other movable goods taken from the sanctuaries, but documentary¹⁰⁶ and other literary sources¹⁰⁷ permit the conclusion that monastic lands as well were affected by the government's secularizing measures.

It is noteworthy that in instances where the government stopped short of large scale secularization, and concentrated rather on curbing the growth of ecclesiastical property, chroniclers connected these steps with military matters. Commenting upon the famous law of 964 by which Nicephorus Phocas forbade the establishment of new pious foundations on cultivated lands, Cedrenus had the emperor declare in defense of his measure that "the soldiers were shortchanged" by the spread of church-owned estates.¹⁰⁸

Imperial tampering with the inalienable sacred property met with determined and articulate ecclesiastical opposition. The government, too, had

¹⁰⁵ For the events, cf. e.g. P. Stephanou, "Le procès de Léon de Chalcédon," *Orientalia Christiana Periodica*, IX (1943), pp. 5–64; V. Grumel, "Les documents athonites concernant l'affaire de Léon le Chalcédonien," *Miscellanea G. Mercati*, III (= *Studi e Testi*, CXXIII [1946]), pp. 116–135; Charanis, *Properties*, pp. 69 ff.

¹⁰⁶ A document of the Vatopedi monastery, ed. by M. Goudas "Βυζαντινὰ ἔγγραφα τῆς ἱερᾶς μονῆς Βατοπεδίου," *Ἐπετ. Ἐτ. Βυζ. Σπουδῶν*, III (1926), 128 (= nr. 4) (and dated by F. Dölger, *Byzantinische Zeitschrift*, XXXIX [1939], 328, to 1110 or 1115) alludes to previous secularization of certain possessions of the monastery (ἐφθασαν ἀποσπασθῆναι ἀπὸ τῶν κτημάτων . . . καὶ τῷ μέρει τοῦ δημοσίου προσκυρωθῆναι). The aim of the measure was to help the treasury to bear necessary military expenses (εἰς τὰς ἐκστρατείας).

¹⁰⁷ In a letter to Alexius I Comnenus (date: 1082), Leon of Chalcedon deplored the despoliation of monasteries: V. Grumel, "Documents athonites . . .," *Studi e Testi*, CXXIII (1946), p. 125; in the *Discourse* addressed to the same emperor (date: 1091) Patriarch John V of Antioch referred to secularization and said that one could see "the consacred land pillaged," V. Grumel, *ibidem*, p. 133. The letter of Theophylactus of Bulgaria to Sebastocrator Isaac is most explicit, as it speaks of confiscation (ἀποσπασθῆν) of a piece of land (χωρίον), Migne, *PG*, CXXVI, 533D; but the property in question seems to have been detained by the Church of Orchrida in a not quite regular manner, cf. the discussion of Theophylactus' letter in G. Rouillard, *La vie rurale dans l'Empire byzantin* (1953), pp. 113 f.

¹⁰⁸ *Hist.*, II, p. 368,17 Bonn. Of course, in 964 the "soldiers" were still peasant-soldiers, holders of στρατιωτικὰ κτήματα.

to muster arguments in defense of its actions. On both sides these arguments, even in some of their details and formulations, sound like variations on the issues debated in Cabasilas' *Discourse*; as do Attaliates' statement that monks should be satisfied with little, and his remark that the property which Isaac Comnenus had left to the monasteries, after making a careful estimate,¹⁰⁹ was enough to assure their subsistence.¹¹⁰

Cabasilas' opponents made much of the "good use" to which they put the confiscated property. In his presentation, this claim of *χρησθαι τοῖς ἀφηρημένοις εἰς τὸ δέον*¹¹¹ was the central one of the three principal points of their defense. The "bad management" (*κακῶς οἰκονομοῦσι*)¹¹² of pious donations by the monks was the converse of this argument. It was this type of reasoning, by which the State claimed the ultimate decision as to what was good for its subjects, while private property rights were disregarded, that made Cabasilas' foes appear in somber socialistic light to modern scholars. Some browsing through narrative sources might have dispelled the darkness. As reported by chroniclers, Nicephorus Phocas' explanation of his *novella* of 964 was that the prelates were guilty of mismanaging the property which, by right, belonged to the poor. The Greek phrases run *ὅτι . . . ὑπὸ τῶν ἀρχιερέων οὐκ εἰς δέον τὰ τῶν ἐκκλησιῶν ἀναλίσκονται*¹¹³ and *κακῶς φάσκων ὑπὸ τῶν ἐπισκόπων δαπανᾶσθαι τὰ πτωχικὰ χρήματα*.¹¹⁴ When Alexius I Comnenus defended his secularization policy in a speech held before an assembly of "the senate, the clergy, and the army," he declared that the confiscated property had been put to good use: *τὰ ἀφαιρεθέντα εἰς δέον ἀνήλωτο*. Its revenues had been spent for the glory and the welfare of the country.¹¹⁵ In the same speech, Alexius referred to David, a famous royal predecessor of his, who, hard pressed by hunger, had transgressed Divine Law, partaken of the consecrated breads, and fed them to his soldiers.¹¹⁶ Cabasilas' adversaries adduced the same biblical precedent to justify their actions.¹¹⁷

Eleventh-century defenders of sacred property, especially the unsuc-

¹⁰⁹ *Hist.*, p. 61,12 Bonn: *διὰ λογοποιίας τὸ ἀρκοῦν καταλιπὼν*. I think that *λογοποιίας* = accounting. I prefer this rendering to Charanis' (*Properties*, p. 68) "justifying himself by saying that he left," etc.

¹¹⁰ *Hist.*, 61,12 and 20 Bonn. Cf. *Discourse*, 6,23 and 18.

¹¹¹ *Discourse*, 9,3 and 17-23, refuted in 24-28; cf. *Discourse*, 35.

¹¹² *Discourse*, 13,1.

¹¹³ Zonaras, *Hist.*, IV, p. 81,25-28, ed. Dindorf.

¹¹⁴ Cedrenus, *Hist.*, II, p. 368,14-17 Bonn.

¹¹⁵ Anna Comn., *Alex.*, VI,3,3 = II, 47,16 f., ed. Leib.

¹¹⁶ Anna Comn., *Alex.*, VI, 3,4 = II, 47,20-23, ed. Leib.

¹¹⁷ *Discourse*, 32.

cessful opponent of Alexius I, Leo, the Metropolitan of Chalcedon,¹¹⁸ and his contemporary John V Oxites, Patriarch of Antioch,¹¹⁹ were not restrained by much reverence for the imperial and the patriarchal thrones. Alexius I was likened to an ugly tyrant,¹²⁰ to Judas, and to a second Pilate.¹²¹ The pliable Patriarch Eustratius, who had condoned Alexius' action, was a Godless temple-robber.¹²² Since the monks had received their revenues from the founders, whose will was to be respected, the warning example of Ananias and Sappheira was set before those (whether emperors or patriarchs) who allowed the monasteries to be exploited for profane purposes.¹²³ All of these weapons were the same as those which later were to stand Cabasilas in good stead.

Whether in the eleventh century or in the fourteenth, secularization measures provoked the same type of response from both the detractors and the champions of sacred property. In the eleventh century these measures had been initiated by the Emperors. To make it plausible that the imperial government was responsible for policies which so gravely perturbed Cabasilas, it is necessary to submit proof of the existence of governmental secularization measures in the fourteenth century, and to show that they were motivated by defense needs. This proof can easily be furnished, especially in the light of recent research in late Byzantine social history.¹²⁴

In the late Byzantine period, the reign of Andronicus II (1282–1328) was the golden age of the monasteries. The emperor lavished privileges and exemptions upon the monks. And yet this very emperor secularized some monastic and ecclesiastical lands in Asia Minor, in order to stave off the imminent collapse of what remained of Byzantine possessions across the straits. He proposed to give these lands to soldiers in the hope that they

¹¹⁸ For him, cf. e.g. the articles quoted in n. 105 above.

¹¹⁹ On John Oxites, cf. Chr. Papadopoulos, "Ο πατριάρχης Ἀντιοχείας Ἰωάννης Ε' Ὁξείτης (1089–1110), Ἐπερ. Ἐτ. Βυζ. Σπουδῶν, XII (1936), pp. 361–388, with excerpts from, and summaries of, addresses to Alexius I Comnenus, published in Ἐκκλησι. Ἀλήθεια, XX (1900).

¹²⁰ Alexius' anonymous adversaries called his measures τυραννικῆς χειρὸς ἐπιβολήν: Anna Comn., *Alex.*, VI,3,1 = II,46,6, ed. Leib. Cf. *Discourse*, 25.

¹²¹ This by Leo of Chalcedon; translation and indication of sources in P. Stephanou, *Orientalia Christiana Periodica*, IX (1943), pp. 28 f. Cf. *Discourse*, 29,6–12.

¹²² Leo of Chalcedon in Sakkelion, "Décret d'Alexis Comnène . . .," *Bulletin de correspondance hellénique*, II (1878), pp. 120, 124. Cf. *Discourse*, 21,24 and 30; 27,5; 16 and 18; 28,19; 31,22.

¹²³ John of Antioch, *De monasteriis laicis non tradendis*, Migne, PG, CXXXII, 1129AB; 1133BC; 1133D–1135A. This treatise is concerned with abuses of the *kharistikarioi*, but the type of argument is the same, whatever the purpose of secularization in question. For Ananias and Sappheira as deterring examples of fourteenth-century lay officials appropriating the revenues of the metropolis, or for monks selling a monastic garden, cf. F. Miklosich–J. Müller, I (1860), p. 460 (date: 1365); II (1862), p. 536 (date: 1401).

¹²⁴ Cf. Ostrogorskij, *Féodalité*, esp. chapter IX, pp. 155 ff.

would fight more tenaciously in defense of their newly acquired grants. The situation must have been ticklish, since the procedure envisaged by the emperor was uncanonical. The Patriarch Athanasius seems to have blessed the measure discreetly, for he could not have done it openly. Without uttering a word, he sent the emperor an olive branch.

These events occurred about 1303, but before the imperial plans could be put into action, the Turks overran Byzantine Asia Minor.¹²⁵ However, Turkish invasions made the solution of the Empire's military problems only more pressing. The sad Catalan interlude had proved the impossibility of relying on mercenaries. Ever since the end of the eleventh century, the Empire had been relying increasingly on the system of *pronoiai* in organizing its defense. The *pronoiai* were grants, mostly of land, awarded, theoretically for life, to "soldiers," that is to say, to military nobility (of any rank), and, in principle, in exchange for the obligation of military service. Such grants presupposed the existence of a pool of government-held lands. In the fourteenth century the territory of the Empire was rapidly shrinking, while its military organization remained unchanged. To the present writer, the ensuing land hunger among the *pronoianoι* was one of the motivating forces in the civil wars of the twenties between the Andronici, and in those of the forties between Cantacuzenus and the group gathered in Constantinople around John V. There are indications that in these wars the allocation and redistribution of *pronoia* lands was at stake.

The state, or the warring factions, had to provide for defense and to satisfy the needs and the expansionist tendencies of *pronoia* holders. In

¹²⁵ The preceding narrative is based on Pachymeres, *Hist.*, II, p. 388,3–p. 390,17 Bonn. The crucial passage, p. 390,2–7 (free translation in Charanis, *Properties*, p. 111) is rather obscure. καὶ διὰ ταῦτα ἐν τῶν ἀναγκαίων ἔδοξε τῷ καιρῷ καὶ τοῖς ἐφεστῶσι πράγμασι τὸ περιλειφθὲν τέως, ὅσον ἐν προνοίαις ἐτάττετο μοναῖς τε καὶ ἐκκλησίαις καὶ τοῖς βασιλεῖ παρασπίζουσιν, ἀφεικότας τῶν δεσποτῶν τάττειν εἰς στρατιωτικὸν — πλὴν καὶ μονοκελλικὸν — ξύμπαντας ὡς ἐντεῦθεν αὐτοὺς ἐκείνους ὑπὲρ τῶν ἰδίων προσμένοντας μάχεσθαι (punctuation mine). The passage ὅσον . . . ἐκκλησίαις seems to mean "what was allotted to monasteries and churches as *pronoiai*"; contemporary documents do speak of monastic *pronoiai* (cf. Ostrogorskij, *Féodalité*, p. 104, n. 1), but they (and Pachymeres) seem to be using the term loosely. By *pronoiai* here Pachymeres may simply mean lands granted to monasteries and churches. The τοῖς βασιλεῖ παρασπίζουσιν, denoting the other class of owners from whom land was to be taken away, are "magnates," "people of the imperial entourage," rather than "the imperial guard" (so Charanis), for παρασπίζουσι seems to be a precious doublet for παρισταμένους. But what about πλὴν καὶ μονοκελλικόν? The unique word leaves me as perplexed as it did the early commentator Possinus (cf. *Pachymeres*, II, p. 703 Bonn). "Except for monasteries of one cell" implied in Charanis' translation, is an imaginative way out, for the word μονοκέλλιον exists, but it does not work, since πλὴν καὶ in Pachymeres' usage means "[but] also," "furthermore" rather than "except for." For a parallel passage, cf. *Hist.*, I, 106,11 Bonn. Would then the property granted to soldiers include even the parcels of land belonging to isolated one-monk cells?

the reduced circumstances of the time, this feudal class could be satisfied only at the expense of the other group of great landowners, the monasteries and the Church. In the fourteenth century there clearly existed that "necessity motivated by the common good and the advantage of the State," by which secularization of sacred property was sanctioned in Justinian's time. But in the last two centuries of Byzantium, there were no means available to provide the Church with an "equivalent or better compensation" for what had been taken away from her.¹²⁶

The first documentary mention of the *pronoia*, dating from the twelfth century, already shows the *pronoiarioroi* in litigation with a monastery.¹²⁷ This struggle can be followed for several centuries. But if, before the late 1320's the state had intervened in most cases as an umpire, by that time it sided with the *pronoiarioroi*. The first documents of that time pointing to governmental attempts toward secularizing monastic property for the benefit of *pronoia* holders date from the thirties and forties.¹²⁸ Without exception they are acts of restitution. Thus secularization must have been initiated in the late twenties and continued into the forties.

In the civil war of the forties many *pronoiai* changed hands: defectors had to be punished, followers wooed and recompensed.¹²⁹ In some cases this reward for the *pronoiarioroi* included transferring to them monastic lands¹³⁰ or taxes previously paid by monasteries to the treasury. Often, these taxes were increased on the occasion of the transfer.¹³¹ It seems that in these turbulent years not only the impious clique of the capital, but also one of Cantacuzenus' relatives (that friend of the Hesychastic monks) confiscated a monastic village, and gave its peasants to "soldiers."¹³²

¹²⁶ The quotations are from Iust. Nov. 7 c. 2.

¹²⁷ Ostrogorskij, *Féodalité*, pp. 32 ff.

¹²⁸ Discussion of documents in Ostrogorskij, *ibid.*, pp. 155–158.

¹²⁹ As an example, cf. the Act of Philotheu (date: 1344), discussion in F. Dölger, *Aus den Schatzkammern* . . . (1948), nr. 8.

¹³⁰ Cf. an Act of Lavra (date: 1350 or 1365), mentioned in G. Rouillard, "Les actes de Lavra à l'époque des Paléologues," *Studi bizantini e neoellenici*, V (1939), p. 302, and published by F. Dölger, *Facsimiles byzantinischer Kaiserurkunden* (1931), nr. 51. The grant to the *oikeios* of John V comes in part from the property of two monasteries and will increase his *pronoia* rent, line 3: *εἰς τὸ πρὸν τῆς οἰκονομίας αὐτοῦ*.

¹³¹ Ostrogorskij, *Féodalité*, p. 159, with details.

¹³² Cf. A. Solovjev-V. Mošin, *Grčke povelje srpskih vladara* (Belgrade, 1936), nr. 21 (date: 1348). I hesitantly accept the identity of John Angelus (d. 1348), "nephew" of John Cantacuzenus and governor of Thessaly in 1342–1348, with the sebastokrator John Ducas of Solovjev-Mošin's *Grčke povelje* . . . nr. 21 and 20, line 25 (date of the latter document: 1348. Is the "late Angelus" who erected a church "at the time of the raging pestilence [of 1347–48?], sent by God" [cf. line 77: *ἐν τῇ τοῦ θανατικοῦ θελήματος ὀργῇ*], not as the editors have it, "being afraid of the hour of death, appointed by God," also identical with John Angelus?). It is difficult to see what is meant in document nr. 21, line 20 by *εἰς τὰς*

The considerable number of imperial acts of restitution and a synodal decision of 1367¹³³ give the impression that these first attempts at secularization were opposed with vigor, and in many cases with success. But the Battle of Maritza (1371), where the Serbs suffered a decisive defeat at the hands of the Turks, was, for the Empire, a grave reminder that its turn might come next. The state had to act with determination. It alienated one half of monastic properties, and allotted their revenue to the *pronoiarion*. The remaining half was burdened with increased taxes. In some cases, further slices were cut from the remaining half of monastic landed property. When ownership of the *land* was confirmed to a monastery, the confirmation was accompanied by a *proviso* that the basic taxes, that is, the seignorial rent incumbent upon peasants tilling this land, should be paid to the *pronoiarion*, either directly or by way of the imperial treasury. The new legislation was valid as late as 1420.¹³⁴ From the period between 1371 and 1420 no traces of determined opposition to secularization policies have been preserved. In 1401, a patriarch contented himself with a melancholy reference to a monastery confiscated by local magistrates.¹³⁵

The *pronoiarion*, called "soldiers" by the sources, were awarded land and the peasants who cultivated it; however, they derived their revenue not from direct exploitation, but from the seignorial rent paid by the peasants. They could, therefore, be satisfied either by taking over monastic villages, or through an arrangement whereby inhabitants of a village owned by a monastery were bound to pay the seignorial rent to them.

When we turn to Cabasilas' *Discourse*, we find that both these methods of exploiting monastic property were practiced by his adversaries. They either appropriated monastic villages and peasants or revenues from monastic property themselves, or granted them to a third party.¹³⁶ Their action was motivated by military needs. One conclusion seems to follow from this

στρατιωτῶν ἀποκαθισταμένους (line 6: εἰς τάξιν στρατιωτῶν is a conjecture). Ostrogorskij, *Féodalité*, p. 158, takes it to mean that the peasants were "enrolled into the class of military people." I wonder whether these peasants had not been allotted to the soldiers, i.e., *pronoiarion*, rather than made into soldiers.

¹³³ This is the famous decision refusing to endorse the emperor's request for settling "soldiers" on the property of the Great Church: F. Miklosich-J. Müller, *Acta et diplomata . . . I* (1860), pp. 507 f. Translation in Charanis, *Properties*, p. 115.

¹³⁴ For discussion and documentation, cf. Ostrogorskij, *Féodalité*, pp. 161-173. In the context of post-1371 measures, mention may be made of the Act Esphigmenu, nr. 21 (date: 1387), ed. L. Petit and V. Regel, *Vizantijskij Vremennik*, XII (1906), appendix, where (lines 13-16) a *megas primmikerios* is said to have taken away a dependence of the monastery and retained one half of its revenue.

¹³⁵ Cf. F. Miklosich-J. Müller, *Acta et diplomata . . . II* (1862), p. 521: ἐδημεύθη δὲ παρὰ τῶν ἀρχόντων τοῦ τόπου τὸ ῥηθὲν τοῦ ἁγίου Ἀθανασίου μονύδριον.

¹³⁶ *Discourse*, 4.

juxtaposition. Cabasilas' *Discourse* is not concerned with the Zealots. Its first part deals with the fourteenth-century struggle between the *pronoiarion* and the monasteries, a struggle in which the state, forced by considerations of defense, sided actively with the military nobility.¹³⁷

Compared to the principal sin of lay officials, their other transgression – venality – apparently seemed insignificant to Cabasilas. In the preliminary outline of the plaintiffs' case he attacked lay magistrates for selling offices,¹³⁸ as he did the ecclesiastics for simony, but in his detailed refutation he failed to discuss venality at all, while he devoted a great deal of space to exposing the simoniac practices of his ecclesiastical opponents. It almost seems as if the venality charge were introduced for the sake of symmetry, to provide a *pendant* to the accusation of simony, and was not, therefore, further developed. To say this is not to suggest that Cabasilas' adversaries did not sell offices. But for the present, it is sufficient to observe that, in itself, the sale of offices furnishes no clue for the identification of an anonymous adversary. The purchase of dignities was a well established form of capital investment in Byzantium through much of its history,¹³⁹ and was not a misuse to be fastened upon the ephemeral Zealot regime.

The remaining arguments which occur in the refutation of the lay officials may be dealt with summarily, inasmuch as they are a Byzantine lawyer's delight rather than revolutionary and counter-revolutionary claims. The assertion that civil magistrates exercised supervision over the disposal

¹³⁷ I note with pleasure that in his review of Tafrali, P. Jakovenko, *Vizantijskij Vremennik*, XXI, part 2 (1914), p. 184, was already on what I consider to be the right track. He thought that the Zealots needed monastic properties in order to give them as *pronoiai* to the soldiers. However, he added that the purpose of this measure was to strengthen the defense of Thessalonica. The translators of Ostrogorskij's excellent book wondered at the reticence of narrative sources on the military aspects of the *pronoia* in late Byzantine social history: cf. H. Grégoire and P. Lemerle in Ostrogorskij, *Féodalité*, p. ix. This opinion is subject to qualification, even on the basis of evidence furnished by the chroniclers. In my appraisal of the Serbian edition of Ostrogorskij's work, I tried to show that narrative and literary sources are far from mute on the military character of the *pronoia*: "An Important Contribution to the Social History of Late Byzantium," *Annals of the Ukrainian Academy of Arts and Sciences in the U.S.*, II (1952), pp. 448–459, esp. pp. 454–459; cf. also the assent by Ostrogorskij, *ibid.*, p. 178, n. 2. If the present reinterpretation is accepted, Cabasilas' *Discourse* is a further non-documentary illustration for the military aspects of the fourteenth-century struggle between the *pronoiarion* and the monasteries.

¹³⁸ *Discourse*, 5,1–3. The passage immediately following (cf. *καὶ τοὺς ἱεροὺς ταῦτ' αὖ ποιοῦσιν*) indicates that Cabasilas has lay adversaries in mind. For the use of *χειροτονία* in the lay sphere, cf. e.g. Cedrenus, *Hist.*, I, p. 351 Bonn.

¹³⁹ Cf. G. Kolias, *Ämter- und Würdenverkauf im früh- und mittelbyzantinischen Reich* (= Texte und Forschungen zur byzantinisch-neugriechischen Philologie, nr. 35 [Athens, 1939]) and R. Guiland, "Venalité et favoritisme à Byzance," *Revue des études byzantines*, X (1952), pp. 35–46, cf. esp. p. 39.

of immovable sacred property, and that such a transaction was valid only if confirmed by them, is borne out by Justinian's *novellae* and by fourteenth-century monastic documents.¹⁴⁰ That with the exercise of this function the magistrates became "owners" of sacred property was a *non sequitur*, exposed with great relish by Cabasilas. Still, when pressed on this point, he was unwilling to pursue the question as to whether the monks were owners (δεσπόται) of their estates, while he emphatically defended their right of ownership (κυρίους) to the revenues (καρπῶν καὶ προσόδων).¹⁴¹ The present writer was at first puzzled by this.¹⁴² Now he is satisfied that what Cabasilas had in mind was the same distinction that Patriarch Philotheus made in 1367 when the emperor requested that certain church lands be secularized and given to "soldiers." The Patriarch, in declining the request, maintained that he was only the guardian (φύλαξ) of church estates; that he was owner (κύριος) only of its revenue (προσόδων).¹⁴³ Here again, Cabasilas' argument is explained when it is juxtaposed with a text discussing contemporary secularization policies of the imperial government.

VII

The main point of the present inquiry seems to be sufficiently established. However, one more step remains to be undertaken. If the Zealots are not the target of Cabasilas' strictures, exactly who is? The assumption behind the question is that Cabasilas' accusations amount to more than a mystic's unavoidable quarrel with a corrupt world forever tampering with the commandments of Divine Law. Therefore, the answer to this question should be precise. But, by the very nature of available evidence, the answer involves problems of identification and dating that cannot be divorced from speculation. The aim of the solutions proposed is to provoke discussion rather than to end it.

As no specific reference to the Zealots could be detected in Cabasilas' *Discourse*, nor mention of their secularizing monastic property be found in any other source, no grounds exist for identifying them with his opponents.

¹⁴⁰ *Discourse*, 14,4-6 and 16,1-2; cf. the *testimonia* to *Discourse*, 14,4, to which add the Act of Lavra (date: 1310), mentioned by G. Rouillard, "Les actes de Lavra à l'époque des Paléologues," *Studi bizantini e neoellenici*, V (1939), p. 301, where the agreement of state authorities is necessary for a monastery in Lemnos to be given to Lavra. Cf. J. v. Zhishman, *Das Stifterrecht in der morgenländischen Kirche* (1888), p. 78 and n. 4; K. M. Rhalles, *Περὶ ἀπαλλοτριώσεως* . . . (Athens, 1893), pp. 33 f., 40.

¹⁴¹ *Discourse*, 12,3-7.

¹⁴² Cf. *The Annals of the Ukrainian Academy of Arts and Sciences in the U. S.*, II (1952), p. 458.

¹⁴³ F. Miklosich-J. Müller, *Acta et diplomata* . . . I (1860), p. 507.

It is more in line with Cabasilas' information to look for his adversaries in more official, if contemporary, quarters.

In speculating on the date of Cabasilas' *Discourse*, on the circumstances to which it alludes, and on the identity of his adversaries, we shall derive substantial assistance from a text which, at first glance, seems no less obscure than his treatise. It is an *opusculum* by another Thessalonican, Cabasilas' friend and contemporary, Demetrius Cydones.

The Zealot upheaval profoundly affected Cydones' life, and must have been the most disturbing experience of his youth. During the bloody days of the summer of 1345 his family barely escaped capture by the revolutionaries.¹⁴⁴ His mother had to go into hiding, his young brother's life was bought off only for a handsome sum. The family house was ransacked, some of the servants fled, others joined the plunderers, for, as Cydones remarked later, "most of the servants give the name of liberty to the misfortune of their lords."¹⁴⁵

Cydones himself was not present during the massacre of 1345. He was "forced" to leave the city with a message to his uncle, who, because he was threatened with death in Thessalonica, had previously escaped to a neighboring town. Cydones was told to bring the uncle back to the city, and was warned that if he failed to persuade his uncle to return, his own property would be confiscated. Of course the uncle refused to come back. The sack of Cydones' house occurred while he was on this mission, one of the reasons for which was to secure the safety of his family possessions. Moreover, he learned that the Zealots were looking for him in Thessalonica. As often happens in times of turmoil, the events themselves decisively influenced Cydones' course of action. The young man chose the lot of an émigré. Cantacuzenus, an old family friend and supporter of well-to-do citizens, was the logical person to whom to turn for protection.

In the ensuing two years, Cydones' literary endeavors, consisting partly of letters to Cantacuzenus, were concerned with recounting Zealot atroci-

¹⁴⁴ The following narrative is based mainly on the *First Speech* addressed by Cydones to Cantacuzenus, ed. G. Cammelli, "Demetrii Cydonii orationes tres, adhuc ineditae," *Byzantinisch-neugriechische Jahrbücher*, III (1922), pp. 67-76. R. J. Loenertz, "Les recueils . . ." (*Studi e Testi*, CXXXI [1947]), p. 109, dates the *First Speech* in 1347, after February 3, Cantacuzenus' entry into Constantinople. I believe it is anterior to that date. Cydones has still to fear his enemies (cf. pp. 73,35 ff., 76,34 f.); Cantacuzenus reconquered "cities" (cf. p. 68,10), but nothing is yet said about the conquest of the City (in his *Second Speech* Cydones makes a great case of this point); Cydones' mother still prays that Cantacuzenus "be and be called" ruler of all peoples (p. 75,31 ff.). The civil war is drawing to a close, but is not yet over. Suggestion for a future editor of Cydones' works: p. 75,33 ff. is a paraphrase of Aelius Aristides' *Panathenaicus*, I, p. 310, ed. Dindorf.

¹⁴⁵ *First Speech*, p. 72,26 f.

ties, inveighing against Cantacuzenus' enemies, rejoicing over the usurper's successes, asking him for support, and offering him his services. Finally, with Cantacuzenus' victory in February 1347, circumstances became more propitious, and the opportunity came to review the calamities of the previous few years, and to request indemnity for past damages and privations suffered at the hands of the now vanquished side. In 1347 Cydones addressed a speech to Cantacuzenus in many passages of which he expressed his indignant feelings toward the monstrous social upstarts.¹⁴⁶ Still, the speech is not a rehash of Cydones' Thessalonican misfortunes. This time the author's horizon is broader. Although Cydones' (and Cantacuzenus') adversaries and their allies are never mentioned by name, allusions to internal dissensions in the Palaeologan camp,¹⁴⁷ to Apocaucus' violent death,¹⁴⁸ and to Constantinople's alliance with the Bulgarian "barbarian" Dobrotica¹⁴⁹ clearly prove that what the author attempted was a retrospective evaluation¹⁵⁰ of the civil war of 1341–47. The *bêtes noires* of Cydones are the leaders of the loyalist government, especially Apocaucus.¹⁵¹ It was necessary to establish this point for the proper understanding of the following passage in the Speech:¹⁵²

¹⁴⁶ This is the *Second Speech* of Cydones, ed. G. Cammelli, "Demetrii Cydonii ad Ioannem Cantacuzenum oratio altera," *Byzantinisch-neugriechische Jahrbücher*, IV (1923), pp. 77–83.

¹⁴⁷ *Second Speech*, p. 81,9 ff., cf. Cydones' letter καὶ νόμος ἀπαιτεῖ θεῖος (date: second half of 1345), e.g. *Parisinus Graecus* 1213, fol. 391^v: ἀλλήλους δὲ εἰσπесόντες ὑπὸ ἀλλήλων ἀνάλονται. The allusion is to Gal. 5:15. For the background, cf. e.g. Cantacuzenus, *Hist.*, II, p. 437,9 ff., 493–498 Bonn; Gregoras, *Hist.*, p. 701,18 – p. 702,3; p. 710,16 ff. Bonn; V. Parisot, *Cantacuzène . . .* (1845), pp. 196, 208.

¹⁴⁸ *Second Speech*, p. 81,14 ff.: οὗτις [Cammelli: οὗ τις] δὲ ὑπελέλειπτο. ἔδει δὲ ἅρα καὶ τοῦτον πύματον ἀπολέσθαι [the allusion is to *Odyssey*, IX, 369, where the Cyclops says οὗτιν ἐγὼ πύματον ἔδομαι] καὶ δέδωκε δίκην τῆς μὲν πονηρίας ἐλάττω, ὣν δ' ἂν τις ἐτίμησε πικροτέραν. πίπτει γὰρ τῶν νεκρῶν ἐπαναστάντων αὐτῷ. οὓς γὰρ ἐλογίζετο κατορύξαι, οὗτοι καλὸν ὥρυξαν ἐκείνῳ τὸ μνήμα. The image must have been current, since Gregoras says that Apocaucus built a tower in the old Bucoleon palace, in order to keep his prisoners there as if in a tomb, ὥσπερ ἐν τάφῳ ζῶντας κατέχῃ, *Hist.*, p. 730,19 Bonn. The prisoners killed him while he was on an inspection tour.

¹⁴⁹ *Second Speech*, p. 81,18–27. The identification is sure, since it was Dobrotica (Τομπροτίτζας) who came to Constantinople after Empress Anne had sent an embassy to the Bulgarian chieftains, who married the daughter of Apocaucus, who was honored with an aulic title, who was beaten by an inferior Cantacuzenian force at Selymbria while Cantacuzenus himself was absent (he remained at Didymoteichus), and who barely escaped captivity on that occasion. Cf. Cantacuzenus, *Hist.*, II, p. 584,12 – p. 585,16 Bonn. On the man and his name, cf. e.g. P. Mutafčiev, "Dobrotič-Dobrotica et la Dobrudža," *Revue des études slaves*, VII (1927), pp. 27–41, and the same author's "Encore sur Dobrotica," *L'Annuaire de l'Université de Sofia, fac. historico-philol.*, XXVII (1931), pp. 1–11 of the offprint.

¹⁵⁰ *Second Speech*, p. 78,19: νῦν δ' ἀνάγκη καὶ τῶν προτέρων μεμνήσθαι.

¹⁵¹ *Second Speech*, pp. 78,33–79,9.

¹⁵² *Second Speech*, p. 80,5–18.

Looking for sources from which to nourish such evil (i.e., their actions), and seeing that everything was used up, they cast their glances towards the public treasury and *the riches of the temples. The army must be provided for*; for the enemy is strong. It was by such a name that they called the one (i.e. Cantacuzenus) who was better than any father to his subjects. *One should not shrink from using anything that will help to ward off the enemy.* Advocating such measures, and, so it seems, unwilling to direct their misdeeds against the people only, they *robbed the temples* and meddled with things spared by the hand of Barbarians. I would not say that daring action brought any advantage to those in whose interest it was perpetrated; unless one mentions *those famous ships and their mercenary crews* with which they waged war against those on the continent (i.e. the forces of Cantacuzenus)¹⁵³ and those *rotten and cowardly soldiers*, by whom they fooled naive people. To these people they gave the impression of ruling safely, owing to the presence of the soldiers, while they kept the monies themselves. In such a manner, they put the cities in a worse plight than if they had razed their walls and submitted them to barbarians.

Here, as in other passages of the Speech, Cydones attacked Apocaucus. By “those famous ships” waging war with “those on the continent” he meant the fleet which Apocaucus, the Grand Admiral of the Empire, repeatedly assembled in his struggle with Cantacuzenus. The Zealots could hardly have been alluded to in Cydones’ passage, for nothing is known of their building a fleet or recruiting crews. On the other hand, Apocaucus’ outfitting a “large” fleet and sailing with it to Thessalonica in spring and summer 1342 and 1343 is well attested both in the Memoirs of Cantacuzenus and in Nicephorus Gregoras’ *History*;¹⁵⁴ Cantacuzenus’ description of the 1342 expedition is strikingly close, in its choice of words, to Cydones’ account. Even the Turks operating on Cantacuzenus’ side were impressed by Apocaucus’ naval activity. In connection with Umūr Pasha’s Thessalonican campaign of 1343, Enveri refers in his *Düstürnamē* to Apocaucus’ “36 ships which he had readied for combat.”¹⁵⁵

Cydones does more than corroborate our evidence on Apocaucus’ maritime ventures. Relating the events of spring 1343, Gregoras had Cantacuzenus upbraid Apocaucus for his reckless pursuit of hostilities against him, for “ruining temples,” “having defiled them,” and “abusing things Divine in

¹⁵³ *Second Speech*, p. 80,14 ἡπειρώταις. Describing Apocaucus’ naval expedition of 1342, Cantacuzenus refers to himself as τοῦ βασιλέως ἐξ ἡπείρου στρατευομένον: *Hist.*, II, p. 243,16 Bonn.

¹⁵⁴ Cantacuzenus, *Hist.*, II, p. 243,12 ff. Bonn; Gregoras, *Hist.*, p. 634, 12 ff. Bonn (expedition of March, 1342); cf. the *Short Chronicle*, ed. B. T. Gorjanov, “Neizdannij anonimnyj vizantijskij xronograf XIV veka,” *Vizantijskij Vremennik*, II (XXVII) (1949), p. 289, lines 148 ff. Cantacuzenus, *Hist.*, II, p. 357,17 ff. Bonn; Gregoras, *Hist.*, p. 658,22 ff. Bonn (expedition of May–June, 1343). On Apocaucus’ confiscation and taxation policy, aimed at providing funds for the navy (and soldiers), cf. Cantacuzenus, *Hist.*, II, p. 537,1–22 Bonn (date: 1344–45).

¹⁵⁵ I. Mélikoff-Sayar, ed. *Le destān d’Umūr Pacha* (1954), p. 96 = verse 1403 ff.

many ways.”¹⁵⁶ The statement of Cydones is more explicit than the accusations put by Gregoras into the mouth of Cantacuzenus. According to Cydones' passage, the government in Constantinople requisitioned sacred property, used it to equip and man ships, and to recruit and provide for soldiers, and justified this measure or, for that matter, any measure, as a defense need. In a nutshell, this is what Cabasilas' lay adversaries did, and it is their precise justification.¹⁵⁷ As will be recalled, in §6 of the *Discourse* they justified the confiscation of monastic property through the necessity of having to provide for soldiers who would fight for the monasteries' freedom; in §23 Cabasilas mentioned acquiring weapons and providing for soldiers among the short-term advantages of his foes' evil actions; in §24 he refused to judge the accused officials in terms of their acquisitions of ships, sailors, or soldiers, and he declared as insane and incapable of understanding the essence of leadership any ruler who busied himself with acquiring ships, weapons, and soldiers unlawfully and at the risk of arousing hatred among those for whom sea and land battles should be waged. He added that to obtain ships and military camps was not a leader's most important business. §26 of the *Discourse* stated that it was unreasonable for people in public office to gain military strength by inflicting injustice and violence upon their subjects (i.e. confiscating sacred property). In conclusion (§28), Cabasilas found that neither ships, soldiers, nor weapons were, in themselves, useful to a city; that they would even bring harm if they were acquired at the price of innocent tears, the breaking of laws, and temple robbery.

The parallels between Cydones' *Speech* and Cabasilas' *Discourse* seem close enough to justify the proposition that the Mystic's lay adversaries were the loyalists in Constantinople, especially Apocaucus.¹⁵⁸ This assumption can present one more argument in its behalf.

Along with building ships, equipping them, and recruiting soldiers, Cabasilas' adversaries mentioned the repair or erection of walls among the laudable purposes for which they had employed the disputed monastic and ecclesiastic funds. In his rebukes, Cabasilas himself repeatedly quoted this argument of his adversaries.¹⁵⁹ Scholars took these allusions to mean the walls of Thessalonica, supposedly restored by the patriotic Zealots. But no

¹⁵⁶ Gregoras, *Hist.*, p. 665,6–9 Bonn.

¹⁵⁷ Except that Cydones' soldiers were mercenaries rather than *pronoiaroi*.

¹⁵⁸ Those who may doubt whether the loyalist government was able to proceed to a redistribution of land in the turmoil of the civil war should bear in mind the passage of Gregoras' *Hist.*, p. 696,20 – p. 697,4: Apocaucus bribes Gabalas *προσόδων πόροις* and the Patriarch's relatives *χωρίων ἐπιδόσεων*. It happened in the relatively early stages of the war.

¹⁵⁹ *Discourse*, 20,19; 21,15 and 19; 23,14.

source mentions any fortifications built by the Zealots; moreover, it will be remembered that the *Discourse* contains no indication that the city whose walls were restored or erected with monies acquired from confiscated sacred property was Thessalonica. The usual interpretation is based on nothing more than the assumption that the target of Cabasilas' invective was the Zealots. If the reference to the walls is more than a stylistic embellishment, we should find it echoed in contemporary sources. Again, the only available evidence points towards Constantinople and Apocaucus. It was he, who, for fear of Cantacuzenus, raised the parapet running over the ridge of the capital's moat to a man's height.¹⁶⁰ The parapet was reinforced all along the moat, between the Gate of the Blachernae and the Golden Gate. This Apocaucus did before¹⁶¹ the violent earthquake of the early forties which seriously damaged the city walls. After the earthquake, Apocaucus went energetically to work. He had breaches in the inner and outer Theodosian walls repaired, as well as the damage to the parapet which he had recently erected. Gregoras' information that "most of the city walls fell"¹⁶² under the impact of the earthquake is certainly exaggerated, and should be interpreted as meaning that the damage occurred all along the land walls; it is also for archaeologists to decide whether the restoration of Apocaucus was "the most extensive restoration of the Theodosian walls since 447."¹⁶³ Still, the facts of the damage and repair, as well as the building of the parapet, remain incontestable. In the straitened conditions of the Empire, Apocaucus' efforts both before and after the earthquake were, at least financially, a major undertaking. It must have required extra funds and extraordinary methods for raising them. Apocaucus' government may also have justified its secularization policy by this defense requirement. Cabasilas' adversaries, who defended their use of the confiscated sacred property by pointing out that parts of it were employed for restoring walls, again seem to argue the loyalist government's case as it could have been presented in the early forties.

If the building of walls mentioned in Cabasilas' *Discourse* is identical with Apocaucus' reinforcement and later repairs of the fortifications of

¹⁶⁰ What follows in the text is based on Gregoras, *Hist.*, p. 711,12–21 Bonn.

¹⁶¹ Gregoras includes the recently built (ἀπρίως, 711,16) parapet among the fortifications damaged by the earthquake. This against A. M. Schneider, in B. Meyer Plath and A. M. Schneider, *Die Landmauer von Konstantinopel* II (= Archaeologisches Institut des Deutschen Reiches, Denkmaler antiker Architektur, Bd. 8 [Berlin, 1943]), p. 6, who assumes that the parapet was raised after the earthquake.

¹⁶² *Hist.*, p. 695,1 Bonn. Cf. the Short Chronicle, ed. Gorjanov, *Vizantijskij Vremennik*, II (XXVII) (1949), p. 285, line 164: καὶ ἔπεσον καὶ τείχη τῆς πόλεως.

¹⁶³ This is the opinion of A. van Millingen, *Byzantine Constantinople* . . . (London, 1899), p. 104.

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Constantinople, it becomes important to date these undertakings with the greatest possible exactitude. This, in turn, brings up the somewhat involved question concerning the exact date of the earthquake of the early forties. This earthquake, which destroyed the walls of the great city, occurred either on October 18, 1342, or on October 18, 1343 – the second date being the more probable.¹⁶⁴ The original reinforcement by Apocaucus

¹⁶⁴ The violent earthquake is easily identified in various sources. It happened late in October (Gregoras, *Hist.*, p. 694,20–22 Bonn; *Short Chronicle*, ed. Gorjanov, *Viz. Vremennik*, II [XXVII] [1949], p. 285, line 160: *ὀκτωβρίῳ ᾧ*; *Short Chronicle*, nr. 47, ed. Sp. Lampros, *Μνημεία ἑλληνικῆς ἱστορίας* I [1932–33], line 13; *Cod. Baroccianus* 197, fol. 380^v, ed. Lampros, *Νέος Ἑλληνομνήμων*, VII [1910], p. 141: *ὀκτωβρίῳ ᾧ*, the quakes lasting twelve days [the notes of the *Baroccianus* were written at the time of the earthquake]; *Cod. Chalcensis Camariotissae* 78, fol. 37^v, latest ed. in Aim. Tsakopoulos, *Περιγραφικὸς κατάλογος . . . τῆς βιβλιοθήκης τοῦ Οἰκουμενικοῦ Πατριαρχείου*, I [1953], p. 126: *ὀκτωβρίῳ ἡμέρᾳ σαββάτῳ*, and another quake on October 20). There occurred two tremors within the same day (Gregoras, *Hist.*, p. 694,23 Bonn; *Short Chronicle*, ed. Gorjanov, p. 285, line 162; *Cod. Chalc. Camariot.* 78, fol. 37^v, ed. Tsakopoulos, p. 126). They were accompanied by tidal waves (Gregoras, *Hist.*, p. 694,14 Bonn [*βρασμοὶ θαλάτται*]; *Short Chronicle*, nr. 47, ed. Lampros, line 13 [*ἰψώθη . . . ἡ θάλασσα*]; Alexius Macrembolites, *Cod. Sabb. Gr.* 417, fols. 81^r–94^r, *passim* [fol. 81^r *θαλάσσης . . . ἐκβρασμοί*]; *Short Chronicle*, ed. Gorjanov, p. 285, line 160 [*ξάλης οὐσῆς πολλῆς*]; *Cod. Chalc. Camariot.* 78, fol. 37^v, ed. Tsakopoulos, p. 126 [*ἰψώθη ἡ θάλασσα*])). As, however, in the early forties there was a series of earthquakes (Gregoras, *Hist.*, p. 695,19 f. Bonn; Macrembolites, *Cod. Sabb. Gr.* 417, *ibidem*; cf. fols. 110^r, 111^r), the second “instalment” of which started, according to Gregoras, exactly a year after the first violent earthquake (*Hist.*, p. 695,21 ff.), some confusion arose, and consequently the beginning of the series is dated differently in the sources. Gregoras, who is vague (*Hist.*, p. 694,13 Bonn: *κατὰ δὲ τοῦτον τὸν χρόνον*), inserts the story of both October quakes between events which occurred early in 1344. The passage immediately preceding the earthquake story refers to May, 1344 (Umūr's departure for Asia on ships provided by the government of Constantinople). The next datable event following the earthquake story (Gregoras, *Hist.*, p. 702,4–6 Bonn: Apocaucus' departure for Heracleia) is again that of May, 1344; cf. the *Short Chronicle*, ed. Gorjanov, p. 385, line 169. From this some scholars (P. Charanis, *Byzantion*, XIII [1938], p. 346, n. 3; A. M. Schneider, *Die Landmauern von Konstantinopel*, II [1943], p. 6) have deduced that Gregoras dated the violent earthquake Autumn, 1344. It is very difficult to adopt this interpretation, for Gregoras implies an earlier date for the first violent earthquake later in the text of his *History*. Apocaucus, he says, returned from the region of Didymoteichus, and quickly (711,12: *σπεύσας*) proceeded to repair the walls of Constantinople which had been destroyed by the earthquake (*Hist.*, p. 711,12–14 Bonn). This return of Apocaucus from Didymoteichus is dated with precision in August, 1344 (so the *Short Chronicle*, ed. Gorjanov, p. 286, lines 177 ff.; Cantacuzenus, *Hist.*, II, p. 438,2 Bonn, implies summer of 1344, cf. V. Parisot, *Cantacuzène . . .* [1845], p. 196). Had the walls fallen as late as October, 1344, Apocaucus would have had nothing to repair in August of that year. There is positive evidence in favor of an earlier date for the first disastrous earthquake. The *Short Chronicle*, nr. 47, ed. Lampros, gives October, 1343 (line 13: *ἐτους, ὁκτωβρίῳ*); the same, if more precise dating, in *Cod. Baroccianus* 197, fol. 380^v (cf. fols. 378^r and 426^v), ed. Lampros, p. 141 (*κατὰ τὸ ὁκτωβρίῳ ἔτει, ἰνδ. ιβ', μηνὶ ὀκτωβρίῳ ᾧ*; also October 14 and November 20/21); *Cod. Chalc. Camariot.* 78, fol. 37^v, ed. Tsakopoulos, has *ὁκτωβρίῳ ἡμέρᾳ σαββάτῳ* (October 18, 1343 did fall on a Saturday). The usually very reliable *Short Chronicle*, ed. Gorjanov, speaks, on the other hand, of October 18, 1342 (p. 285, line 160: *ὀκτωβρίῳ ᾧ ἰνδικτιώνος ια' τοῦ στοῦ ωοῦ ναοῦ ἐτους*) and gives the same details (cf. this note, above, and n. 162), which seems suspect. I consider the date of October 18, 1343 as being that of the earthquake which shattered the walls, and am inclined to date the other series

of the breastwork along the moat must have been earlier than October 1343, and possibly even October 1342. The repairs to damaged parts of the fortifications were begun soon after August 1344, the date of Apocaucus' return from Didymoteichus to Constantinople.

We were looking for a contemporary parallel to one of the undertakings of Cabasilas' adversaries, the outfitting of a fleet with the means obtained from the confiscation of sacred property; we found such a parallel in Apocaucus' actions in the years 1342–43. Cabasilas' adversaries used secularized property to cover the cost of erecting and repairing fortifications. Apocaucus' activity in the years 1342–44 provides a convincing parallel. This convergence of dates should be noted. It adds plausibility to the assumption that Cabasilas' lay adversaries (or adversary) were the exponents of the loyalist government's policies in the forties, perhaps even Apocaucus himself.

It is more difficult to identify the ecclesiastic with whom Cabasilas found so much fault. Nor is it necessary for the purposes of the present argument, since the prelate's transgressions, restricted to the churchly domain, lay outside the scope of "Zealotic" problems. He was called bishop of a *metropolis* (§§39,7–8 and 15). This in itself does not help us very much. If Cabasilas wrote in Thessalonica, he may have meant the anti-Palamite metropolitan of Thessalonica, Hyacinthus, harassed by the Palamitic party.¹⁶⁵ But another surmise is also plausible. The accused bishop of a *metropolis* took an oath in the presence of the "whole senate" (*γερονσίαν ἁπασαν*).¹⁶⁶ He was styled the "common shepherd," "shepherd of all

of earthquakes in 1344 rather than 1342. This last date, however, is not impossible. In the Gorjanov *Chronicle* the calamity, consistently placed before the Turkish chieftain Umür's arrival in Europe (*ibidem*, p. 285, line 166: summer, 1343), is brought into connection with excommunications liberally administered by the Patriarch John Calecas. This points to the years 1341–42, toward the beginning of the civil war, when Cantacuzenus and his followers were excommunicated. In conclusion, a word of caution: one should not use the collapse of Saint Sophia (May, 1346) for the dating of the earthquakes under discussion. They shook the church, but the collapse occurred considerably later. Cf. the references I adduced in *Südostforschungen*, XII (1953), p. 169, end of n. 21.

¹⁶⁵ In a writing dating from 1346–47, Acindynus reminds the famous lawyer Harmenopulus (who had begun to veer toward the Palamites) that he formerly belonged to the anti-Palamite camp, and helped the harassed Metropolitan of Thessalonica Hyacinthus: οὐ ταῦτα (sc. a writing by Acindynus) καὶ λαβεῖν παρ' ἡμῶν ἡξίωσας πέρυσσι, καὶ λαβὼν ἀπήεις ἐπ' Ἀθῶν, κακείθεν ἐπὶ Θεσσαλονίκης λαμπρόν τι πνέων κατὰ τῶν Παλαμναίων; μεθ' ὧν καὶ τῷ Θεσσαλονίκης ἀληθινῷ ποιμένι τοὺς λόγους τούτους [sc. Palamite writings] ἀμνημονέω τὴν ἐκκλησίαν τὴν αὐτοῦ διασπῶντας Ὑακίνθῳ τῷ ἱερῷ συνηγώνισαι; cf. e.g. *Marcianus Graecus* 155, fol. 82^r; cf. fols. 83^r, 83^v; fol. 88^r we read: σὺ δὲ πρὸς τούτοις λέγε τὰ περὶ τὸν Θεσσαλονίκης παρὰ τούτων [sc. the Palamites] γεινόμενα. Acindynus refers, in a letter to Georgius Lapithes (ed. F. Uspenskij, *Sinodik u nedelju pravoslaviija* [Odessa, 1893], p. 75 f.), to Hyacinthus' short exercise of his pastoral office, to his death (before May, 1346), and to his struggle with the Palamites in Thessalonica.

¹⁶⁶ *Discourse*, 38,8.

cities."¹⁶⁷ As such, he claimed unlimited jurisdiction over "all the cities," and insisted upon the right to their property.¹⁶⁸ In Cabasilas' eyes, it was his duty to be an imitator of Christ and to follow in the path of the apostles.¹⁶⁹ The "metropolitan" who answers such a description may be the Patriarch of Constantinople. In his polemical work, Cabasilas may have pilloried, along with Apocaucus or "his" officials, the other mainstay of the Constantinopolitan clique, the anti-Palamite Patriarch John Calecas, whom he disparaged also elsewhere. Calecas must have condoned the loyalist government's secularization measures, and thus may have appeared a party to the crimes against which Cabasilas inveighed.

There is no doubt as to Cabasilas' sympathies and activities, political and religious, during the civil war of the forties. Still, even at its beginning he could hardly have been a vociferous supporter of Cantacuzenus and the Palamites, or he would not have been approached by the leader of the anti-Palamite party, Acindynus.¹⁷⁰ The very obscurities of Cabasilas' text seem to indicate that while writing it, he lacked the opportunities for an outspoken attack, which an émigré like Cydones enjoyed. The *Discourse* was composed within the territory controlled by the loyalist government.

In his *Discourse*, Cabasilas appears as the mouthpiece of the monastic communities. Both religious convictions and political considerations may have been behind his assumption of this role. It should be remembered, however, that Cabasilas came from a family of landed proprietors.¹⁷¹ A member of his family had donated a piece of land in the village of Siderocausia, along with *paroeci* tilling it, to the Athonite monastery of Vatopedi. This donation was confirmed twice, first by the Serbian conqueror Stephan Dušan (1348),¹⁷² then by the Emperor John V Palaeologus (1356).¹⁷³ Also, *pronoia* lands existed in Siderocausia.¹⁷⁴ It is possible to speculate that either

¹⁶⁷ *Discourse*, 8,3; 39,1-2.

¹⁶⁸ *Discourse*, 39,1-3.

¹⁶⁹ *Discourse*, 55,7-8; 57,4-6.

¹⁷⁰ For this point and the text of Acindynus' letter, cf. *Byzantinische Zeitschrift*, XLVII (1953), p. 53.

¹⁷¹ Cf. letter nr. 14, lines 11 f., ed. P. Enepekides, *Byzantinische Zeitschrift*, XLVI (1953), p. 41, where Cabasilas complains about his relatives who tried to seize the family landed property that had escaped the hands of the Serbs.

¹⁷² Cf. e.g. A. Solovjev-V. Mošin, *Grčke povelje . . .* (1936), p. 142 (= nr. 18, lines 47-50).

¹⁷³ Cf. M. Goudas, "Βυζαντιακὰ ἔγγραφα . . . Βατοπεδίου," *Ἑπετηρίς Ἑτ. Βυζ. Σπουδῶν*, IV (1927), p. 240 (= nr. 15, lines 42-44).

¹⁷⁴ By a chrysobull of December, 1347, Stephan Dušan gave to the monastery of Lavra the "remaining part" of the village (? *καταφύγιον*) of Siderocausia, specifically the *pronoia* and state lands there. Cf. A. Solovjev-V. Mošin, *Grčke povelje . . .* (1936), p. 120 (= nr. 16, lines 44-48), and F. Dölger, *Aus den Schatzkammern . . .* (1948), nr. 124.

the grant to Vatopedi or some other donation by the Cabasilas family, in Siderocausia or elsewhere, was endangered by the governmental measures. In this case, personal motives might be postulated for Cabasilas' defense of monastic rights against governmental encroachments.

VIII

It may be safely stated that whoever Cabasilas' adversaries were, nothing he said about them revealed them as Zealots, at least in the sense in which contemporary historians use the term. On the contrary, it appears quite probable that they should be sought among the leading representatives of the loyalist government in Constantinople. Even if Cabasilas' strictures were directed against the Thessalonican officials of the early forties, there is nothing in the words or deeds he attributed to them which deserves the name of an articulate revolutionary program distinct from the known practices of late Byzantine lay and ecclesiastical authorities. To postulate such a program, unique in the history of Byzantium, is to indulge in anachronisms. Cabasilas' *Discourse* is not a source for Zealot political and social slogans.

Viewed against the perspective of the struggle between the Byzantine state and the monastic property, young Cabasilas' plea belongs to the class of treatises of which John of Antioch's writings and Leo of Chalcedon's letters are earlier representatives. Viewed against the perspective of the fourteenth-century tensions, the *Discourse*, which in my opinion was written about 1344, may be considered an anti-Apocaucite tract directed against the policies of the loyalist government and the leaders of the official Church.¹⁷⁵

When all the work of providing parallel passages and texts¹⁷⁶ for Cabasilas' *Discourse* is done, there still remain parts of it which can claim merit in their own right. The description of the monks' grudging reverence towards their bishop will attract the attention of social and ecclesiastical historians. Future research may mention Cabasilas' "modern" views on the stifling effects that the state's interference would have upon private initia-

¹⁷⁵ Within the perspective of Cabasilas' own literary activity, the *Discourse* should be considered side by side with his other two early writings (dating from the late forties or early fifties), in which the youthful author exposed or tried to remedy what he felt were the evils of his time. Cf. the *Address to Anne of Savoy on Usury*, ed. R. Guiland, *Eis μνήμην Σπ. Λάμπρου* (1935), pp. 269–277 (for the date, cf. the remarks by R. J. Loenertz, *Orientalia Christiana Periodica*, XXI [1955], p. 223 f.), and *Against Usurers*, Migne, PG, CL, 727–750.

¹⁷⁶ In this connection, John Chrysostom's treatise *Contra eos qui subintroductas habent* (latest edition by J. Dumortier, *Saint Jean Chrysostome, Les Cohabitations suspectes* . . . [Paris, Belles Lettres, 1955]) is of great interest. It inspired the form of the *Discourse* (cf.

tive and the economic activity of its citizens.¹⁷⁷ It may also quote his opponents' "modern" contention that the rulers should have the last say in deciding what is advantageous for their "immature" subjects.¹⁷⁸ But it is hoped that the sources for the Zealotic program will be sought elsewhere.

To the present writer the Zealots' "admirable principles," their "patriotic" and "laudable intentions," as outlined and understood up to now, are not a chapter in the history of Byzantine political thought, but rather a creation of twentieth-century Byzantine scholarship. For all that, it would be wrong to imply that the Zealot movement is not a phenomenon of great importance, or that Cabasilas' *Discourse* is not a highly relevant document on the social history of the late Empire. It may even be possible to piece together the Zealots' program of action from what we know of the history of their movement. But to appraise the Zealot movement correctly, it is first essential to gain clarity as to the sources upon which the appraisal should be based. The purpose of the present paper was to further such a clarification by eliminating one of the sources from the Zealot *dossier* and replacing it in its proper framework.

the technique of adducing the adversaries' objections and refuting them). It provided Cabasilas with an important line of argument (it is wrong to tend to your neighbor's welfare, while destroying his soul, and that of others, by causing scandal). In addition to a long quotation (cf. *Discourse*, 56,20–33), Cabasilas borrowed and adapted a number of phrases from this treatise (cf. 2,1 with p. 46,35; 21,18 with p. 71,12; 30,7–8 with p. 72,39; 40,12 with p. 70,92; 41,27 with p. 83,14–15; 52,17 with p. 54,46–47; 53,10–12 with p. 68,37; 54,3 with p. 65,42, ed. Dumortier).

¹⁷⁷ *Discourse*, 26,1–14.

¹⁷⁸ *Discourse*, 6,2–14.